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APPENDICES

- A. DEFINITIONS**
- B. BART PROJECT ORGANIZATION CHART**
- C. SAMPLE UNITED STATES DEPARTMENT OF TRANSPORTATION REQUIREMENTS**
- D. SAMPLE INSURANCE REQUIREMENTS**
- E. RESPONSIVENESS CHECKLIST**
- F. OAC REQUIREMENTS**
- G. CERTIFICATION REGARDING FINANCIAL CONTRIBUTIONS**
- H. LIST OF REFERENCE MATERIAL**

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1.0 INVITATION TO SUBMIT QUALIFICATION STATEMENT

The Oakland International Airport Connector (OAC) will provide improved access to the Oakland International Airport using an Automated Guideway Transit (AGT) Operating System Technology connected to the existing regional San Francisco Bay Area Rapid Transit (BART) rail system. An AGT Operating System Technology (OST) operates on an exclusive right-of-way without drivers or on-board attendants. The OAC will extend approximately three miles from the existing Coliseum BART station to the passenger terminal at the Oakland Airport. Provisions for one future intermediate station may be included in the Contract. The AGT Operating System Technology will be mostly elevated with an underground segment near the Airport and an on-grade segment along Airport Drive.

On September, 6, 2002 the BART Board of Directors authorized BART staff to issue contract documents to solicit bids for the OAC as a design-build procurement, pursuant to California Public Contract Code §§ 20209.5 et seq. In August 2003, the BART Board of Directors prequalified six firms under this state law. However, due to the ongoing economic climate, it has become apparent that a significant amount of anticipated State funding for the Project is unlikely to become available in the next several years and, therefore, the available public funds are not sufficient to cover the capital costs of constructing the Project. The introduction of private sector funding to augment the existing public funding sources utilizing the provision of the Infrastructure Financing Act (IFA) under California Government Code Sections 5956 et seq. will allow the project to move forward without further delay.

The District has cancelled the procurement process under the design-build legislation and is issuing a new procurement under the IFA. In applying the IFA, the Project will continue to use a Best Value contract award approach, but will also develop standards to prequalify private investment entities. The IFA authorizes the District to enter into an agreement with a lead business private entity, designated in this RFQ as the Prospective Project Company (PPC). The PPC executes and submits a Qualification Statement in response to this RFQ, for the design, construction, financing, and operation of a fee-producing infrastructure project. The general scope of the Project will remain as before, except for the added private sector funding component.

The purpose of this RFQ is to prequalify DBFO Entities that shall consist of a lead business entity or PPC, Financing Entities, Core Subcontractors, and Professional Services Subcontractors. Prequalified PPCs will be invited to submit proposals at a later date in connection with the DBFO Project.

All or part of any scope of work described herein may be performed by the PPC, a Core Subcontractor or by subconsultants or subcontractors. The firm(s) performing the work and the center(s) of responsibility must be identified in the submittal and on the appropriate forms provided in RFQ Appendix F. If the PPC does not identify one or more of the Core Subcontractors requested in Appendix F, but intends to acquire the expertise by inviting other firms to join their team after the prequalification process, then the PPC shall describe the nature and extent of the arrangements in place for that purpose and describe the approach that will be utilized to identify, attract and procure the necessary skills and talent required to perform any or part of the work in that core discipline. This approach will be evaluated in accordance with RFQ Section 8. Prequalified PPCs must utilize the process identified in RFQ Section 11.0 CHANGES to add Subcontractor(s) to their DBFO entity in order to respond to the RFP.

The District reserves the right to assume that any given scope of work will be performed by the PPC unless otherwise specified in the submittal. Prequalified PPCs must utilize the process identified in RFQ Section 11.0 CHANGES to request changes to the members of the prequalified DBFO entities identified in the PPC's Qualification Statement if necessary at a later date. If Core Subcontractors are not named by the PPC, the Prequalified PPC must utilize the process in RFQ Section 11 to request changes to the DBFO Entity prior to release of the RFP. Prequalification of DBE Professional Services Subcontractors at this time will facilitate the PPC's ability to meet the DBE Participation goals for Professional Services identified in RFQ Section 13.0.

1.1 QUALIFICATION STATEMENT DUE DATE AND SUBMITTAL REQUIREMENTS

Qualification Statements must be received by 2 PM, local time, on Tuesday, April 11, 2006 and shall be submitted to either of the following addresses:

For Express or Hand Delivery:

or

By U.S. Mail:

Office of the District Secretary
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 23rd Floor
Oakland, California 94612

Office of the District Secretary
San Francisco Bay Area Rapid Transit District
P.O. Box 12688
Oakland, California 94604-2688

Envelopes or boxes containing Qualification Statements shall be clearly labeled:

“RFQ No. 6M8003, Oakland International Airport Connector”

Refer to Section 15.8 for page limitations and required numbers of copies.

2.0 SUMMARY OF WORK

2.1 GENERAL PROJECT DESCRIPTION

The Project will consist of:

1. The Automated Guideway Transit (AGT) Fixed Facilities, including the guideway, passenger stations and related spaces, combined maintenance and central control facility, power distribution substation rooms, wayside equipment rooms, and ancillary items.
2. The AGT Operating System, including vehicles, guidance equipment and running surfaces, electric power distribution, automatic train controls and software, communications, station equipment, central control, automated fare collection interfaces, and specialized maintenance fixtures and equipment.

The System will provide improved access to the Oakland International Airport by connecting it to the existing regional BART rail system. The System is approximately three miles long and extends from the existing Coliseum BART station to a new station at the Oakland International Airport. One intermediate station has been planned for possible future development, but provisions for future implementation will be included in the RFP. The system will operate fully automatically without drivers on an exclusive right-of-way. The AGT will be mostly elevated with an underground segment near the Airport.

Figure 1 depicts the alignment. An elevated dual lane guideway begins at the Coliseum BART Station, crosses the Union Pacific Railroad tracks and I-880, and then continues along Hegenberger Road. The guideway is elevated until passing 98th Avenue where the underground segment under Doolittle Drive begins. The alignment then returns to grade along the Lew Galbraith Golf Course (Airport Drive) and, after an at-grade section, transitions to elevated guideway to reach the Airport Station.

2.2 SCOPE OF WORK

The District intends to define and finalize in the RFP a proposed business structure for public and private participation in the Project under the Design-Build-Finance-Operate model as further described in RFQ Section 3.0.

The Work under the Contract will include arranging and securing the Project financing. The Work will also include, but is not limited to, furnishing all labor, equipment, materials, designs, and services for the following: project management and control; preliminary and final design and engineering; construction engineering; procurement of all equipment, materials and systems; construction of all facilities; manufacturing, installation, test, acceptance, safety and safety certification of the AGT OST; and operation and maintenance of the completed System. The System is described in RFQ Sections 4.0, 5.0 and 6.0.

The PPC will operate and maintain the completed System for a term sufficient to pay PPC's capital outlay, operations and maintenance cost, and a reasonable return on investment to the PPC for a term anticipated to be up to 35 years after which time the System would revert entirely to the District.

No Proposals to perform only a portion of the Work will be accepted. The Proposal shall include a commitment to finance all costs except for as provided in RFQ Section 3.3.A in relation to the Work unless expressly provided otherwise in the Proposal.

2.3 WORK IN PROGRESS

2.3.1 Environmental Clearances

The Project is subject to both Federal requirements for an approved Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, 42 USC §§ 4321 et seq. and to State requirements for an approved EIR under California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §§ 21000 et seq. The BART Board of Directors has approved the Project and certified the Environmental Impact Report (EIR). The Federal Transit Agency (FTA) has issued a Record of Decision (ROD) pertaining to the EIS.

An MMRP has been adopted for the OAC Project in accordance with California Public Resources Code Section 21081.6. The MMRP is intended to ensure the effective implementation of mitigation measures that are within the authority of the District to implement, including monitoring where identified, through the development and operation of the Project. The Contractor shall be required to implement and monitor, under the oversight of District staff, all the Project Mitigation Measures of the OAC MMRP reference document designated in RFQ Appendix H.

The District is in the process of preparing an addendum to document minor shifts in the alignment that do not affect the EIR or the mitigation measures. District staff intends to submit the addendum to the BART Board of Directors, CEQA and FTA for concurrence prior to issuance of the RFP. No further environmental approvals are anticipated to be necessary.

2.3.2 Geotechnical Surveys and Studies

A substantial body of geotechnical data and evaluation has been collected along the alignment, including a site specific design response spectra, site response analysis and racking analysis for the subway at Doolittle, and pile design criteria. This information will be available in the RFP Reference Documents.

2.3.3 Utilities Relocation and Authorities Having Jurisdiction (AHJ) Agreements

The District has investigated many of the utilities that may be impacted. This information is provided in the Reference Drawings of Appendix H, along with additional utilities location mapping provided by the AHJ.

The District has entered into agreements for rearrangement of utilities with several of the AHJ in an effort to streamline the processes for planning, permitting, inspection and payment. These agreements govern most AHJ facility rearrangements, which may be affected by the Contractor's design and construction. Each agreement specifies durations for design reviews and relocation plan development, scope and betterment limitations, and cost and insurance requirements.

In addition, the District has relocated approximately 2000 feet of water main pipeline within the alignment from Edgewater Drive to Pardee Drive and is in the process of relocating fiber optic lines within the alignment at key intersections from Edgewater Drive to Pardee Drive. During these relocations, the District has documented the location of other known utilities intersecting the alignment.

2.3.4 Updated Ridership Study

The ridership forecasts presented in the EIR/EIS for the No Action Alternative and the Automated Guideway Transit Alternative have been updated using the most current data, AGT alignment and station concepts. The updated ridership study is documented in "*BART to Oakland Airport Connector Ridership Update*" by Wilbur Smith Associates, dated October 17, 2005, located in RFQ Appendix H.8.

2.3.5 Funding Commitments

The entire Project is a collaborative partnership between BART, the Alameda County Transportation Improvement Authority, the Alameda County Congestion Management Agency, and the City and Port of Oakland.

Approximately \$212 million is currently considered to be the secured amount.

The various funding agencies contributing to the Project include:

- A. Alameda County Transportation Improvement Authority (ACTIA)
- B. Bay Area Toll Authority (BATA)
- C. Port of Oakland

The Contract is subject to financial assistance from the Federal Transit Administration of the U.S. Department of Transportation.

Funding may also be available from CTC to the extent permissible.



FIGURE 1 OAC ALIGNMENT

3.0 **BUSINESS MODEL**

The District intends to use a Design-Build-Finance-Operate (“DBFO”) structure to implement the OAC Project. The DBFO Contract will be implemented in accordance with the provisions of the IFA. The IFA authorizes the District to enter into an agreement with a PPC for the design, construction, financing, maintenance and operation of a revenue producing infrastructure project.

The DBFO Contract will be a long-term agreement granting the Contractor the exclusive right to undertake the Project during the term of the DBFO Contract. The DBFO Contract will include operating standards related to the operation, maintenance, revenue collection, and capital improvement of the System with which the Contractor will be required to comply. The DBFO Contract will require the Contractor to comply with all applicable laws and regulations. The District will retain the right to regulate, set, and enforce farebox levels.

3.1 **PROPERTY OWNERSHIP**

The successful PPC will be invited to enter into a DBFO Contract with the District. The DBFO Contract will set out the rights and obligations of the District and the Contractor. Provisions will be included for the lease of rights-of-way in property owned by the District to allow for the construction, maintenance and operation of the System for the DBFO Contract term. The District will retain ownership of the land and the System assets.

3.2 **DRAFT DBFO CONTRACT**

The District intends to offer the prequalified PPCs the opportunity to review and comment on a draft of the DBFO Contract. The anticipated process and project schedule is set out in RFQ Section 7.

The DBFO Contract will include, among other things, the following key business arrangements:

A. **Term**

The DBFO Contract will have a term sufficient to finance the design, construction, operation, maintenance and life cycle costs of the Project for a term of up to 35 years.

B. **Risk Allocation**

The allocation of risks under the DBFO Contract will be based on an allocation that has been accepted by the infrastructure finance and investment community for comparable projects to that of OAC. The following table sets out the key risk allocation for the Project that will be reflected in the DBFO Contract.

Risk	BART	PPC
Environmental (EIS and EIR)	X – ROD	X – MMRP
Property Acquisition	X	
Utilities Work and Geotechnical	X	X
Construction and AGT Technology		X
Systems and Fixed Facilities Integration		X
Passenger Volume and Revenue	X	X

System Compliance and Performance		X
Operation and Life Cycle Maintenance		X
Obtaining Public Sector Funding	X	

3.3 PAYMENTS TO THE CONTRACTOR

Payments to the Contractor will be made during both the construction of the Fixed Facilities and AGT and during the operations and maintenance term. The precise payment mechanism for compensating the Contractor is still being developed but it is anticipated to be generally as follows:

A. Payments for Construction of the Fixed Facilities and AGT

The District is expecting to receive funding from various funding partners as set out in RFQ Section 2.3.5. Of this funding BART would pay approximately \$136 million to the Contractor in several installments. The District would commit to a fixed schedule of payments in the DBFO Contract.

The District would retain public funds to cover costs already expended or to be expended for purposes to complete the final EIR, preliminary engineering, utility relocations, property acquisition, procure fare collection equipment, provide construction oversight, and provide contingency funds.

B. Payments for Operations and Maintenance

During the operations of the OAC, the District would make payments to the Contractor to compensate for the operation, maintenance and lifecycle costs of the System together with the cost of financing the required private sector funding. Payments to the Contractor would be comprised of a variety of components including, but not limited to, the following:

1. Availability payments: Availability payments would be based on the system availability in accordance with the terms as set forth in the DBFO Contract. These payments would comprise approximately 70% to 75%, of total payments to be made to the Contractor during the operations period.
2. Performance payments: Performance payments would be based on the performance of the Contractor in meeting the operation, maintenance and lifecycle standards in accordance with the terms as set forth in the DBFO Contract. These payments would comprise approximately 10% to 20% of total payments to be made to the Contractor during the operations period.
3. Ridership incentive payments: Ridership incentive payments would be based on the level of actual ridership in accordance with the terms set forth in the DBFO Contract. These payments would comprise approximately 5% to 20% of the total payments to be made to the Contractor during the operations period.

4.0 PRINCIPAL ELEMENTS OF THE WORK

A preliminary summary description of the principal elements of the Work is contained in this Section.

4.1 PROJECT FUNDING

BART has secured funding commitments from various public sector entities. However, public funding will not provide the full cost of the OAC Project. The Contractor will be required to provide and secure the remaining financing for the Project.

4.2 PROJECT MANAGEMENT

This element includes the overall direction and control of the Work and all administrative functions including but not limited to scheduling, cost accounting, and financial accounting systems.

4.3 PROFESSIONAL DESIGN AND ENGINEERING

This element includes complete final design of the Fixed Facilities and AGT Operating System Technology; the preparation of construction and manufacturing drawings and specifications; the preparation of shop drawings; the preparation of reports, estimates, and studies; the preparation of design Submittals; and the response to comments on design Submittals.

4.4 QUALITY ASSURANCE REVIEW, AUDITS AND SURVEILLANCE

This element includes the preparation and execution of a plan to control and confirm the quality of the design, procurement of materials and equipment, manufacturing, installation, construction, and integrated testing.

4.5 SYSTEM SAFETY

This element includes the preparation and execution of a safety certification program to identify, evaluate, and minimize or eliminate safety risks from all ongoing and completed Work in accordance with the requirements of the Contract and the California CPUC.

4.6 AGT OPERATING SYSTEM TECHNOLOGY AND ASSOCIATED SYSTEMS

This element includes the final design, procurement, manufacturing, installation, system integration and testing of vehicles, guidance equipment and running surfaces, electric power distribution, automatic train controls and software, communications, station equipment, central control, AFC equipment, and specialized maintenance fixtures and equipment.

4.7 CONSTRUCTION OF FIXED FACILITIES

This element may include, but is not limited to: construction of guideway (foundations, columns, superstructure, underground segment, and at-grade segment); passenger stations and related spaces; combined maintenance, central control, and vehicle storage facility; power distribution substation rooms; and wayside equipment rooms. Ancillary items incidental to the Fixed Facilities include utility relocations, street reconstruction, site work, and landscaping. Guideway facilities include cut-and-cover subway, aerial structures, U-wall and at-grade guideway, continuous emergency exit provisions, site work, drainage, utilities, street work, ancillary structures, conduits and cable trenches, and guideway mechanical and electrical systems and structures.

4.8 PASSENGER STATION FACILITIES

There will be one passenger station at each end of the alignment, which will be designed, constructed, financed and operated by the Contractor. Construction work at these stations will include all required foundations, structures, and architectural treatments. The stations shall include public address, emergency

telephones, AFC equipment, CCTV, passenger information systems, connections to guideway emergency walkways, elevators, possibly escalators, stairways, platform safety systems, and local electrical services. Construction work shall also include administrative offices, platform topping slabs; finishes; lighting; alarm and detection systems; fire sprinklers; mechanical, electrical, and communications work; utilities site preparation, relocation, and restoration; and miscellaneous station facilities such as janitor rooms. Station site work may require finish grading, utility, landscaping, landscape irrigation, site furnishings, paving, and street work.

The OAC station at the existing BART Coliseum station shall be constructed at the east end of the existing BART train platform to allow convenient transfers between BART and the OAC. The OAC passenger platform will be approximately 55 feet above San Leandro Street and approximately 20 feet above the existing BART tracks and platform.

The Oakland Airport station shall be constructed near the new terminal access roads and be connected to the terminals via a pedestrian overcrossing. The exact location is under development by the Port of Oakland.

One future intermediate station is planned near the intersection of Hegenberger Road and Doolittle Drive (Doolittle Station). The Contractor will be required to design and construct the OAC Project so as not to preclude the addition of this station in the future.

4.9 MAINTENANCE, VEHICLE STORAGE AND CENTRAL CONTROL FACILITY

A Maintenance, Vehicle Storage, and Central Control Facility may be located in one of two locations to be determined by the Contractor: 1) in the existing BART surface parking lot, north of the existing BART tracks and Coliseum Station platform; or 2) near the intersection of Airport Drive and Hegenberger Road on property that BART intends to acquire for the OAC. The Contractor shall provide all facilities, spares, tools and test equipment necessary for maintenance and test activities, storage and cleaning of vehicles. Parts storage facilities and a Maintenance Management System for the control and distribution of spares, materials, and maintenance activities shall also be provided. The Contractor shall meet all needs for the safe and efficient operation of the OAC including but not limited to supervision areas and offices, office equipment, supplies, furniture, procedures, manuals, and facilities for employees. A traction power substation may be co-located with this facility. The Central Control Facility will provide command control and communications consoles and equipment, and security systems consoles.

4.10 OPERATIONS AND MAINTENANCE (O&M)

As currently conceived, the Contractor shall provide and supervise operating and maintenance personnel, and provide materials, parts, equipment, and services to ensure that the OAC provides safe, secure and reliable service. The Contractor shall also ensure that its personnel interface appropriately with District and Port of Oakland personnel working in associated District and Port operations. The RFP will define a procedure for defining and measuring AGT Service Availability and performance requirements on which payment will be based.

Operations are to be monitored and controlled from a central control room that is co-located with the AGT maintenance facility. The Central Control room will be staffed at all times the AGT is in operation, as well as during maintenance periods. Maintenance includes scheduled preventive maintenance; corrective maintenance; overhauls; special emergency maintenance; ordinary wear; cleaning and janitorial services; and other maintenance of the AGT operating equipment, subsystems, and fixed facilities, including District-provided fare collection equipment.

The O&M services include safety and security services and emergency preparedness functions for the AGT system. These activities shall be coordinated as described in a detailed Safety and Security Plan and in an Emergency Preparedness Plan to be prepared by the CO&MS and approved by the District. Fare

collection services shall be included to provide routine fare collection from District-provided fare collection equipment.

O&M services will involve inclusion of safety sensitive functions identified by the District such as the District's Drug and Alcohol Prevention / Testing Program Requirements provision pursuant to 49 CFR Parts 40 and 655, as they may be amended from time to time ("the federal rules"). The Contractor will be required to complete and sign the certificate regarding compliance with the Federal Drug and Alcohol Prevention / Testing Program, and also submit a drug and alcohol program policy statement adopted by the Contractor's governing board, for its review by the District for compliance with District requirements and state and federal law.

Any or all of the description and processes described in this section are subject to change, and the District reserves the right to assume full or any part of the O&M responsibilities described herein.

4.11 AERIAL STRUCTURES

Aerial Structures shall be designed to non-collapse seismic design criteria to be included in the Contract.

4.12 SUBWAY BOX

A subway box approximately 430 feet long under Doolittle Drive is included in the Project Work. The Contractor shall support utilities near the excavation, relocate utilities, provide temporary street decking, and provide traffic control during construction. Instrumentation and monitoring of wall and structure movement shall be required.

4.13 HEGENBERGER ROAD MEDIAN

The Contractor may be required to widen the existing median at intersections within Hegenberger Road to provide sufficient space for the guideway columns and safe clearances on all sides at street level. The Contractor may need to perform street modifications to accommodate the guideway within the existing Hegenberger Road right-of-way.

The Contractor will need to perform: street modifications, utility and drainage relocations, landscape reconstruction, signing, striping, lighting, signaling, structural modifications, and traffic control as necessary.

4.14 ADA COMPLIANCE

The OAC Project shall fully comply with the US Department of Transportation regulations implementing the Americans with Disabilities Act of 1990 (49 CFR, Parts 27, 37 and 38) and, where more restrictive, the requirements of the State of California, including without limitation Title 24, Divisions I through IV of the California Code of Regulations based on the 1997 Uniform Building Code, Chapters 10 and 11B. The Contractor shall coordinate on all relevant aspects of Work, including, but not limited to design submittals, construction plans, and other Project reviews that involve the California State Architect.

4.15 PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES

The Contractor shall be responsible for coordination and scheduling of all construction activities; inspection and testing of materials, equipment, and construction; acquisition of construction approvals and permits; safety; monitoring of and reporting on required environmental mitigation measures; construction surveys; and the preparation of record drawings and specifications.

4.16 PROCUREMENT

The Contractor shall be responsible for the purchase, testing, shipping, receiving, inspecting, inventory, storing, and protection of construction materials, systems equipment, and track materials. Also included is the responsibility to arrange for shipment and receipt of inventory and for protection of all District-furnished material and equipment, such as AFC equipment.

4.17 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

The Contractor shall comply with all laws, rules and project-specific environmental requirements relating to protection of the environment as these requirements apply to the construction and the Contractor's operation. The District may obtain some of the necessary permits for the Project that will be identified in the RFP.

4.18 AGENCY COORDINATION

The Contractor shall coordinate and be responsible for all relevant aspects of Work, including, but not limited to, permit applications, design submittals, construction plans, and other Project reviews with all the agencies and utilities that may be involved including, but not limited to, BART; the Oakland International Airport, Caltrans, the City of Oakland, the Union Pacific Railroad, the Alameda County Flood Control and Water Conservation District, the Alameda County Coliseum Complex, PG&E, Pacific Bell, the CPUC, and the California Water Quality Control Board.

The District intends to obtain Agreements with major stakeholders to facilitate the permits and approval process.

4.19 PUBLIC ART

BART will administer a public art program. The Contractor may be required to assist BART and/or the artist/artist team with the design and/or installation of the public art. The District intends to establish an Allowance in the Contract to provide funds to pay for the installation of artwork to be specified by the District. The District will select and pay for the artwork separately and the Contractor shall be paid for the cost of the artwork installation from this Allowance.

4.20 SCOPE CHANGES

Details contained in this RFQ concerning the proposed Contract are preliminary and subject to change prior to issuance of the RFP. Details herein are provided for purposes of providing guidance and background information to PPCs to assist them in preparing Qualification Statements.

5.0 OPERATING SYSTEM CHARACTERISTICS

The Project is not technology specific and encompasses a wide range of potentially applicable AGT Operating System Technologies (OST). The AGT OST must meet the OAC level of service requirements set forth in RFQ Sections 5.1 through 5.12, below. These requirements have been developed through analyses of a generic AGT OST on a dual lane pinched-loop guideway within the exclusive right-of-way plan profile shown in the Reference Drawings (see RFQ Appendix H.3), which are consistent with the “FEIR/FEIS OAC Project Objectives and Evaluation Criteria”. These requirements will become part of the Best Value Criteria of the RFP that will be used by the District to evaluate Proposals. The District reserves the right to change these requirements in the RFP.

5.1 PASSENGER CAPACITY

The AGT OST must be able to provide a high level of service by meeting the opening day passenger capacity forecasted in the FEIR/FEIS of 7,382 (average) and 10,850 (peak day) passengers. Related analysis resulted in an estimate of an initial peak hour ridership of approximately 1300 pphpd through year 2010. Operating periods and minimum capacities are given in the following table:

PROPOSED OPERATING HOURS AND REQUIRED SYSTEM CAPACITIES			
Time Period	Operating Plan	Initial (2005 – 2010) Demand (pphpd)	2020 Demand (pphpd)
0500 – 0600	Night	390	540
0600 – 2000	Peak	1300	1800
2000 – 2400	Off Peak	780	1080

5.2 EXPANDABILITY

The AGT Operating System Technology must be easily expanded to meet the year 2020 system design capacity forecasted in the FEIR/FEIS of 13,540 (average) and 19,900 (peak day) passengers without additional capital investment except for vehicles and vehicle storage. Related analysis resulted in a peak hour ridership approximately 1800 pphpd by the year 2020.

5.3 GUIDEWAY CONSTRAINTS

The AGT OST must operate in the exclusive right-of-way shown in the plan and profile Reference Drawings (see RFQ Appendix H.3), including the defined guideway width of not more than 26 feet, including emergency walkway. The Project route requires that guideway be elevated for almost the entire length of approximately three miles, except for a short sub-grade segment passing beneath the Airport Drive/Doolittle Drive interchange and in the vicinity of the Oakland International Airport’s North Field runways. In this latter area, the guideway must be at grade and under the glide slope to avoid the “obstacle free zone” for the runways established by the Federal Aviation Administration. The transition between the elevated and sub-grade segments result in an approximate 6 - 7% grade on which the AGT OST must be capable of climbing and stopping. The AGT OST must also be capable of operating within the minimum horizontal curve radius of 150 feet and the minimum vertical curve radius of 5000 feet without adverse impacts. Prequalified PPCs may adjust these minimum horizontal and vertical curve radii along the alignment to meet their technology requirements if the ride quality and the EIR assumptions can be met.

5.4 AVAILABILITY AND RELIABILITY

The AGT OST must meet the availability levels typically required of AGTs of at least 99.5% and have commensurate levels of reliability.

5.5 BI-DIRECTIONAL VEHICLE CAPABILITY

Open loop operations will not be allowed due to space constraints at the two end points. Vehicles must be capable of bi-directional operation with equal performance in either direction.

5.6 RIDER COMFORT

The AGT OST vehicles must meet the capacity requirements of RFQ Sections 6.1 and 6.2 assuming a minimum number of seats (approximately 15% of vehicle capacity) and a space of 4.5 sq. ft. for each standing passenger, which includes passenger baggage. Baggage carts will not be allowed on the AGT vehicles. The AGT OST must meet the passenger comfort requirements of ASCE 21-98 Section 7.7.

5.7 RIDER CONVENIENCE

The AGT OST shall emphasize customer convenience by supporting a seamless transition between the AGT system and BART at the Coliseum Station. It must be capable of serving three stations with a maximum wait time (average headway) of no greater than 6 minutes. It is desirable that the system be capable of providing ultimate headways of approximately 3 minutes. The AGT OST must have the ability to continue operating in both directions, albeit at a reduced level of service and capacity, under any single failure condition.

5.8 REDUCED TRAVEL TIME

The AGT OST must provide consistent, reliable trip times. It must be capable of a total one-way trip (average travel and wait times) time of not more than 8.2 minutes between the Coliseum and Airport stations with nominal dwells of 40 seconds and a stop at the intermediate station with a nominal dwell of 20 seconds.

5.9 SAFETY AND SAFETY CERTIFICATION

The AGT OST must provide safe, secure, automated service. The AGT OST must be automated (including a proven automated train control system with ATP, ATO, and ATS) and meet the relevant ASCE APM and National Fire Protection Association (NFPA) general safety and security, automatic train control, and fire-life safety standards. It must also meet all CPUC safety certification requirements and meet the emergency evacuation and access requirements described in ASCE Standard 21-00, Part 3, 11.3.

5.10 NOISE, VIBRATION, AND OTHER EMISSIONS

The AGT OST must meet the noise and vibration requirements of ASCE 21-96, Section 2.2, and Electromagnetic Compatibility and Electromagnetic Interference (EMC/EMI) requirements of ASCE 21-96, Sections 2.1.8 and 2.2.3. Additional requirements may be imposed due to aircraft operations at the Oakland International Airport.

5.11 OPERATING CONDITIONS

The AGT OST must operate in all weather and other conditions in the Oakland area. It must also meet applicable District, City, and State codes and standards.

5.12 GENERAL REQUIREMENTS

In addition to the above specific requirements, the AGT OST must, as a minimum, meet the requirements of the ASCE APM Standard (currently Parts 1, 2, and 3: ASCE 21-05, 21-98, and 21-00, respectively) in effect as of the due date of the proposal submittals. The District reserves the right to add to and/or

strengthen these requirements. The construction and operation of the AGT OST must be consistent with the description of the preferred alternative in the FEIR/FEIS and must also meet the intent and requirements of the MMRP.

6.0 SERVICE PROVEN OPERATING SYSTEM TECHNOLOGY

The PPC is advised that the RFP for the OAC Project will include the following requirements with regard to service proven operating system technology and these requirements will be included in the evaluation criteria that will be used to evaluate Proposals received in response to the subsequent RFP. Any Proposal that does not meet these requirements may be subject to rejection by the District.

6.1 SERVICE PROVEN SYSTEM PERIOD

Except as otherwise provided in RFQ Sections 6.2 and 6.3 below, the Contractor's AGT Operating System Technology, including its Major Subsystems, shall have been successfully proven in current, daily, year-round passenger service operation for a period of two years. Such time period is deemed by the District to be the minimum period sufficient to demonstrate satisfactory operation, as it provides time to detect any technological or design deficiencies that occur during service conditions, make adequate corrections for any deficiencies, and attain steady state performance.

6.2 USE OF TECHNOLOGY REVISIONS

A radical design change or incorporation into the AGT Operating System Technology of technically immature (without sufficient analysis, operating performance, and/or test data documentation) or experimental processes, components, or materials does not qualify as a Technology Revision.

In determining compliance with the service-proven requirements of RFQ Section 6.1, the District will permit one Technology Revision to be implemented as part of the AGT Operating System Technology, but only under the following conditions:

- A. The Technology Revision involves not more than two of the Major Subsystems.
- B. The Technology Revision has been integrated into the Contractor's AGT Operating System Technology and has operated on an integrated basis for not less than six months as of the Proposal due date, and that such integrated operation has been achieved in passenger service or on a test track that approximates system operations specified in the Contract, supported by adequate analysis, performance and test data documentation.
- C. The Technology Revision meets all other requirements of the Contract.

6.3 USE OF A REPLACEMENT MAJOR SUBSYSTEM

In determining compliance with the service-proven requirements of RFQ Section 6.1, the District will permit a Major Subsystem to be replaced with another in a first time implementation as part of the AGT Operating System Technology, but only under the following conditions:

- A. No more than two Major Subsystem Replacements shall be accepted.
- B. Integrated operation of the Replacement Subsystems in a similar Operating System Technology shall have been successfully proven in current or seasonal passenger service operation for two years. Further, such passenger service shall achieve the system operations that will be specified in the RFP.
- C. The Contractor presents design documentation that the Replacement Subsystem has been integrated into the Contractor's AGT Operating System Technology design. Design Documentation shall consist of analysis, performance evidence, and/or test data documentation.
- D. The Replacement Subsystem meets all other requirements of the Contract.

6.4 COMBINING TECHNOLOGY REVISIONS AND MAJOR SUBSYSTEM REPLACEMENTS

In applying RFQ Sections 6.2 and 6.3, the Contractor shall be limited to one of the following courses of action:

- A. One Technology Revision that involves not more than two Major Subsystems, or
- B. Replacement of two Major Subsystems, or
- C. One Technology Revision that involves one Major Subsystem and one Major Subsystem Replacement.

6.5 EXCEPTIONS

The District reserves the right to take exceptions to the service proven requirements stated above based on the following criteria:

- A. Contractor's successful proven experience in designing, supplying and installing AGT applications of new system technologies that do not meet these specified service-proven requirements.
- B. The sufficiency of the proposed Project Management Plan as applicable for the design, supply and installation of a new system technology that does not meet these specified service-proven requirements.
- C. The verified experience of the key personnel proposed in the RFP, as indicated by their resumes, in designing, supplying and installing AGT applications of new system technologies that do not meet these specified service-proven requirements.
- D. Extent and quality of documented design, analysis, qualification testing, and/or test track operations of the proposed new system technology.

7.0 ANTICIPATED SELECTION PROCESS AND PROJECT SCHEDULE

BART is advertising for Qualification Statements to pre-qualify PPCs using an RFQ selection process for the full range of services to design, build, finance, operate and maintain the OAC Project. The selection of pre-qualified PPCs will follow the guidelines in Sections 5956 through 5956.10 of the California Government Code. A subsequent, separate Request For Proposals (RFP) for the OAC Project is expected to be issued later in 2006. The District will invite only pre-qualified PPCs to respond to the District's RFP for the OAC. The DBFO Contractor will be selected using Best Value criteria.

7.1 REQUEST FOR QUALIFICATIONS (RFQ)

The District intends to select the DBFO Contractor in two phases. The first phase is the prequalification of DBFO Entities. District staff will follow the process defined in RFQ Section 8.

7.2 REQUEST FOR PROPOSALS (RFP)

In the second phase, the prequalified PPCs will be invited to submit proposals in response to the RFP.

The District staff intends to evaluate Proposals using a Best Value process that will be described in the RFP. The Best Value process is a selection process in which the Proposals contain both price and qualitative components, and award is based upon a combination of price and qualitative considerations. Qualitative considerations may include technical design, technical approach, quality of proposed personnel, schedule, financial strength, financing plan, service proven technology, experience, design and/or management plan. The evaluation ratings and qualitative weighting guidelines will be described in the RFP. The award selection is based upon a consideration of criteria to determine the offer deemed most advantageous and of the greatest value to the District. District staff will make a recommendation of the selected PPC for Award to the District Board of Directors.

The District may release a draft RFP in whole or in part to the prequalified PPCs for review and comment prior to releasing the RFP.

7.2.1 Concepts Review

After release of the RFP, but prior to receipt of Proposals, the District staff intends to invite technical and commercial concept submittals from the prequalified PPCs. The District will allow presentations of concepts in confidential meetings for the District's consideration. The District reserves the right, in its sole discretion, to modify the RFP by issuing addenda if necessary.

7.3 PROJECT SCHEDULE

The District estimates the following schedule for the OAC Project:

Milestone	Date
Selection of Pre-qualified PPCs	45-60 calendar days following the Qualification Statement Submittal deadline
Issuance of RFP	2006
Concept Review Meeting	Late 2006
Receipt of Proposals	Early 2007
Clarifications and Evaluations of Proposals	Mid 2007
Award of Contract	Late 2007
Commercial and Financial Close	Late 2007
Notice to Proceed	Approximately 30 calendar days following commercial and financial close but no later than 180 days after Award
Revenue Operations	No later than 42 months after Notice to Proceed is issued.

8.0 QUALIFICATION STATEMENT EVALUATION AND CRITERIA

The District will evaluate all Qualification Statements in accordance with the procedures, criteria, weightings, and processes of this RFQ Section 8. Step 1 specifies basic responsiveness requirements. Step 2 describes Clarifications. Step 3 defines evaluation criteria, including their relative weights, and the evaluation rating guidelines. Step 4 discusses the selection of the Short List. Step 5 describes how unsuccessful PPCs may request a debriefing.

8.1 DEFINITIONS

- A. Clarification: A written request for information initiated by the District to the prequalified PPC stating the information needed and a date and time by which the information must be provided in writing to the District.
- B. Communications: A written request for information initiated by the PPC to the District regarding the RFQ.
- C. Deficiencies: A material failure of a DBFO Entity to meet the District's requirements or a combination of significant Weaknesses in a Qualification Statement that increases the risk of unsuccessful contract performance to an unacceptable level.
- D. Short List: A list of DBFO Entities selected by the District to be the most qualified to undertake the OAC Project.
- E. Weaknesses: A flaw in the Qualification Statement that increases the risk of unsuccessful contract performance.

8.2 OVERVIEW OF THE PREQUALIFICATION PROCESS

Step 1: Determination of Responsiveness

The first step of the Qualification Statement evaluation involves a review of submitted material to determine if all required information has been submitted. Failure to submit all items listed on the RFQ Appendix E Responsiveness Checklist may prevent further evaluation of the Qualification Statement, and the Qualification Statement may be found non-responsive and not considered further.

The District reserves the right to reject any Qualification Statement as non-responsive for any of the following reasons:

- A. Failure to provide all required items identified in RFQ Appendix E.
- B. Significant irregularities that make the Qualification Statement incomplete, indefinite, or ambiguous.
- C. Failure to acknowledge all Addenda issued.
- D. The receipt of the Qualification Statement after the due date and/or time as specified in RFQ Section 1.1.

Step 2: Clarifications

After Qualification Statements are received, the District may seek Clarifications, if necessary, from the PPCs. Based on the responses to these Clarifications, the District, in its sole discretion, may proceed with the evaluation process.

Step 3: Evaluation

The District will evaluate each responsive Qualification Statement using information submitted in response to the RFQ including without limitation RFQ Section 10.1. The District will evaluate these submittals and rate each Qualification Statement's criteria using a qualitative evaluation procedure and the rating guideline listed below. The District intends to prequalify a Short List of the most highly rated DBFO Entities.

All the Qualification Statements requirements described in RFQ Section 10.1 and itemized in Appendix E must be submitted with the forms in Appendix F. All of these criteria have been assigned a qualitative weighting based on three relative adjectival ratings: 1) Important, 2) Very Important, and 3) Critical.

The six criteria and the qualitative weighting for each criterion are shown in the following chart and are more fully described in RFQ Section 10. The combined weightings of the first two items are approximately equal to the combined weightings of the last four items.

No.	Criteria	RFQ Sections	QUALITATIVE WEIGHTING		
			Important	Very Important	Critical
1	DBFO Experience of the PPC	10.1.1 A, B, C			X
2	Experience and Capacity of the Financing Entities	10.1.2 A, B, C, D			X
3	Construction Experience	10.1.3	X		
4	AGT Supplier Experience	10.1.5		X	
5	Fixed Facilities Design Experience and Professional Services Subcontractors	10.1.4, 10.1.7 – 10.1.16	X		
6	O&M Experience	10.1.6		X	

The Qualification Statements will be rated in accordance with the following descriptive method. The following ratings will be used to evaluate each criterion described above:

- A. Exceptional: The DBFO Entity has demonstrated an approach that significantly exceeds stated criteria in a way that is beneficial to the District. This rating indicates a consistently outstanding level of quality. There are no significant Weaknesses and/or Deficiencies.
- B. Good: The DBFO Entity has demonstrated an approach that exceeds stated criteria. This rating indicates a better than acceptable quality. Weaknesses and/or Deficiencies are very minor and can be easily corrected.
- C. Acceptable: The DBFO Entity has demonstrated an approach that meets the stated criteria. This rating indicates an acceptable level of quality. There are some Weaknesses and/or Deficiencies that can be readily corrected.
- D. Potential to Become Acceptable: The DBFO Entity has demonstrated an approach that fails to meet stated criteria. There are some significant Weaknesses and/or Deficiencies that can be corrected through Clarifications and/or Discussions.
- E. Unacceptable: The DBFO Entity has not demonstrated an approach that meets stated criteria. There are extensive Weaknesses and/or Deficiencies that cannot be corrected through Clarifications and/or Discussions.

In assigning ratings the District may assign “+” or “-” (such as “Exceptional-”, “Good +”, “Acceptable +”) to the ratings to clearly differentiate between the Qualification Statements.

The District reserves the right to contact references beyond those listed in the Qualification Statements to conduct background checks on members of the DBFO Entity. All reference inquiries will be considered in the evaluation.

Evaluation results will remain confidential throughout the procurement process.

Step 4: Selection of Prequalified PPCs and Notification

The District intends to prequalify a Short List of the three most highly rated DBFO Entities after a careful analysis of the ratings assigned to the criteria. Borderline Qualification Statements may be added to the Short List if the Qualification Statement has a reasonable chance of being selected. Firms that submit a Qualification Statement will be notified in writing regarding the DBFO Entities selected for prequalification.

Step 5: Debriefing of Unsuccessful DBFO Entities

Firms that are not prequalified and desire a debriefing must request the debriefing in writing. The District must receive such request in writing directed to the District’s Supervisor of Contract Administration identified in RFQ Section 15.19 within five (5) days of the notification described in Step 5, above.

9.0 DESIGNATED DESIGN-BUILD-FINANCE-OPERATE ENTITIES

The following Sections provide additional information on the designated DBFO entities.

9.1 PROSPECTIVE PROJECT COMPANY (PPC)

The PPC is the prime business entity (partnership, corporation, joint venture, or other legal entity) that executes and submits a Qualification Statement in response to this RFQ with the intention of submitting a Proposal in response to the RFP for DBFO services. Only one PPC can be proposed in any Qualification Statement. This RFQ does not require exclusive arrangements between the PPC and subconsultants and/or subcontractors.

All or part of any scope of work described herein may be performed by the PPC, by subconsultants or subcontractors.

The District reserves the right to assume that any given scope of work will be performed by the PPC unless otherwise specified in the submittal.

Prequalified PPCs must utilize the process identified in RFQ Section 11.0 CHANGES to request changes to the members of the prequalified DBFO entities identified in the PPC's Qualification Statement if necessary at a later date.

9.2 FINANCING ENTITIES

The Financing Entities are the party or parties that may be comprised of individuals, partnerships, corporations, trustees or other entities, including public entities, who provide financing to perform the Work through agreements with the PPC. The Financing Entities may be shareholders, lenders, banks, bondholders, and/or subcontractors.

9.3 CORE SUBCONTRACTORS

The PPC shall demonstrate the ability and experience necessary to perform the scope of work in the following four core disciplines: Construction, Fixed Facilities Design, AGT Supply, and O&M.

The PPC may identify up to four Core Subcontractors to perform the core discipline work. However, not more than one Core Subcontractor may be submitted in the Qualification Statement for a given core discipline.

If the PPC does not identify one or more of the required Core Subcontractors, but intends to acquire the expertise, then the PPC shall describe the approach that will be utilized to identify, attract and procure the necessary skills and talent required to perform or subcontract any or part of the work in that core discipline. This approach will be evaluated in accordance with the criteria in Section 10.1. The PPC shall submit the forms in Appendix F for each required Core Subcontractor. The PPC shall either indicate that it will perform the work itself, identify the Core Subcontractor, or provide details of the PPC's approach to performing or subcontracting the scope of work in the core discipline as more fully described in RFQ Section 10.1.

If the PPC identifies a Core Subcontractor to perform the core discipline work, the District reserves the right to assume that such Core Subcontractor is performing the entire scope of work as described in a given core discipline.

The scope of work for the four core disciplines is as follows:

9.3.1 Construction

The Construction scope of work includes all civil construction of the facilities and guideway required for the OAC.

9.3.2 Fixed Facilities Design

The Fixed Facilities Design scope of work includes the design of all Fixed Facilities, and shall be led by a civil engineering entity or consulting firm registered to practice and licensed to provide professional engineering services within the State of California.

9.3.3 AGT Supply

The AGT Supply scope of work includes the design, manufacture, delivery, installation management, test, acceptance, safety certification, and support of the AGT Operating System Technology. A California Contractor license will be required of the supplier or subcontractor installing the OST.

9.3.4 O&M Services

The O&M Services scope of work shall include training, supervision and provision of all operations and maintenance personnel and provision of all materials, equipment, and services required to assure that the OAC provides safe and reliable service and achieves the design lifetimes included in the Contract Specifications. The services to be provided shall include all operational activities related to transporting OAC patrons and to controlling, monitoring, and maintaining all System equipment and facilities. California State and local business licenses will be required. The DBFO Agreement will set forth the terms for O&M services.

9.4 PROFESSIONAL SERVICES SUBCONTRACTORS

The term “Professional Services Subcontractor” shall refer to licensed professional engineering or architectural service entities or individuals that are separate and apart from the core subcontractors and shall be proposed as Subcontractors to either the PPC or the core subcontractors. Professional Services Subcontractors are identified in this RFQ as follows: Construction Engineering Firm, Utilities Engineering Firm, Structural Engineering Firm, Civil Engineering Firm, Geotechnical Engineering Firm, Mechanical Engineering Firm, Electrical Engineering Firm, Transit Station Designer, Maintenance Facility Designer, and System Integration Engineering Firm. Professional Services Subcontractors shall be licensed to practice engineering or architecture by the State of California.

The PPC shall submit the forms in Appendix F for each Professional Services Subcontractor. The PPC shall either indicate that it will perform the work itself, identify the Core Subcontractor who will perform the scope of work, identify a Professional Services Subcontractor that will perform the scope of work, or indicate that a subcontractor shall be identified at a later date.

A Professional Services Subcontractor may provide services to perform more than one scope of work identified in this RFQ if the Subcontractor has the qualifications to do so.

Prequalification of DBE Professional Services Subcontractors in the Qualification Statement will facilitate the PPC’s ability to meet the DBE Participation goals for Professional Services identified in RFQ Section 13.

For each Professional Services discipline designated herein, a minimum of one and a maximum of three potential Professional Services Subcontractor firms may be identified in the Qualification Statement with the final selection of firm(s) to be made solely by the PPC before the Proposal is submitted.

The PPC may have to draw on a wide range of Professional Services Subcontractors to undertake the Work and it may not be practical to identify all the members of the design team at this time. Prequalified PPCs must utilize the process identified in RFQ Section 11 CHANGES to request changes to the prequalified Professional Services Subcontractors identified in the Qualification Statement if necessary at a later date.

10.0 PREQUALIFICATION SUBMITTAL REQUIREMENTS

The completion of RFQ Appendix E Responsiveness Checklist is mandatory. A checklist is provided in RFQ Appendix E in order to verify that all required forms and submittals have been provided. The checklist is not all-inclusive. In addition, many of the items listed in RFQ Appendix F require additional or supporting information for which there are no forms provided. The PPC is responsible for reviewing all the forms and determining when and where additional information is required. The following Sections describe the detailed submittal requirements for each entity in the PPC's organization that correlate to RFQ Appendix F.

10.1 OAC REQUIREMENTS

The forms in RFQ Appendix F for all prospective contractors and subcontractors address the specific qualifications necessary for financing, design, engineering, manufacturing, construction, operation, and maintenance services for the OAC and shall be filled out to reflect the assignment of work and the center(s) of responsibility. The PPC's completion of these forms and associated documents attached to these forms as requested in the forms will be utilized to evaluate the OAC Requirements in accordance with RFQ Section 8.0. The following Sections address the submittal requirements for each form in RFQ Appendix F and requested supporting documentation.

10.1.1 PPC

The PPC shall submit the following information:

- A. If the PPC is a joint venture or some other association of business units, hereafter referred to as "venture", the PPC shall submit with the Qualification Statement, a preliminary joint venture or teaming agreement, signed by legally authorized representatives of all venture or team participants. The preliminary joint venture or teaming agreement is not required to state the commercial terms relating to compensation, profit/loss distribution, and other financial relationships of the participants. The preliminary joint venture or teaming agreement shall include the following:
 - 1. Identify the sponsoring participant(s) of the venture or team and provide a one-page organization chart for the PPC. The sponsoring participant(s) shall hold a majority interest in the venture.
 - 2. Description of whom in the PPC will have overall decision-making authority and how decisions will be made.
- B. The PPC, or at least one venture participant or team member, shall identify at least two projects, US \$50,000,000 or more in value completed within the last ten years, or at least one project of US \$100,000,000 or more in value completed in the last five years, in which the PPC, or at least one venture participant, has been either the sponsor or manager involving complex engineering or heavy construction in a multi-disciplinary project. Information regarding locations, owners, dates of completion, contractors performing the work, and descriptions of the PPC's role and performance on each project shall be provided for each project.
- C. The PPC, or at least one venture participant or team member, shall submit a notarized statement from an admitted surety insurer approved by the California Department of Insurance authorized to issue bonds in the State of California which states that the amount of current bonding capacity that can currently be provided for payment and performance bonds is an amount not less than 100 per cent of the total initial Fixed Facility and AGT cost.

10.1.2 Financing Entities

- A. The PPC, or at least one venture participant, shall describe the relationship between members of the PPC and the Financing Entity, including the anticipated identity of the equity partners, the economic interest of each equity partner and details of the financial capacity and credit quality of each equity partner. The PPC, the Financing Entity, or the equity partners shall provide:
 - 1. The details of the anticipated equity investment for each Financing Entity in percentage terms; and
 - 2. A current credit rating report for each Financing Entity demonstrating a corporate credit rating of at least BBB+ (or equivalent) from one of Standard & Poor's, Moody's Investor Service or Fitch.
- B. If the Financing Entity or the equity partners are not rated by Standard & Poor's, Moody's Investor Service or Fitch, the Financing Entity or the equity partners shall demonstrate their financial capacity to pay the equity portion of the Project in the current capital market by submitting audited financial statements and annual reports for each of the last three fiscal years, and the most recent available interim financial statement for each quarter since the last fiscal year for which audited statements are provided. Provide details of any material off-balance sheet financing arrangements currently in place and details of any material events that may effect the entity's financial standing. If audited financial statements cannot be provided, the Financing Entity or the equity partners shall provide the financial information necessary to demonstrate the necessary financial resources to successfully finance and execute a project similar to the size, scope and complexity of the OAC Project.
- C. The Financing Entity or the equity partners shall provide financial information to demonstrate that they will have the necessary experience and resources to invest in and arrange the financing for the Project. The Financing Entity or the equity partners shall:
 - 1. Describe their experience in arranging cost-effective financing for infrastructure projects on the basis of a contracted multi-year payment mechanism involving availability payments, unavailability deductions, performance deductions, and share of ridership risk including specific considerations affecting the payment mechanism that will influence the financing approach for the Project.
 - 2. Submit a summary of the financing arranged on at least one, but no more than three, recent transportation projects greater than US \$300 Million that are similar to the complexity of the OAC Project.
 - 3. Provide at least one reference on each transportation project and one reference from a lender who can effectively attest to the prudence of past and current financial management practices and the financial capacity to undertake the anticipated investment in the Project.
- D. The Financing Entity or the equity partners shall provide a 1-2 page discussion of their initial approach to financing the Project. In particular, the Financing Entity or the equity partners shall highlight any financial transaction structures that contemplate the effective use of capital finance and risk mitigation strategies.

10.1.3 Construction

The PPC may propose a construction entity or firm with the appropriate State Contractor's license. Alternatively, the PPC may describe the approach the PPC will use in acquiring the skills and expertise described in this section and past experience in doing so.

The following information to be provided on the appropriate forms in RFQ Appendix F will be evaluated in accordance with the criteria in RFQ Section 8.

- A. The PPC shall demonstrate that the proposed Construction Subcontractor has a minimum of fifteen years of experience in heavy civil contracting. If a specific Construction Subcontractor is not named, describe the PPC's experience on previous projects in identifying, attracting and procuring Construction Contractors with the level of experience described herein.
- B. The PPC shall identify at least one, and no more than three (3), project(s) of similar size, scope and complexity to the OAC Project completed by the proposed Construction Subcontractor within the last seven (7) years that included each of the requirements or scope listed below. If a specific Construction subcontractor is not named, this data shall be provided for any construction subcontractors selected by the PPC who have completed projects of similar size, scope and complexity to the OAC Project within the last seven (7) years.
 - 1. Environmental mitigation measures.
 - 2. Equal employment opportunity requirements and procedures.
 - 3. Protection of adjacent structures.
 - 4. Traffic routing and control.
 - 5. Light rail, urban, heavy rail, or AGT.
 - 6. Integration of fixed facilities with light rail, urban, heavy rail, or AGT.

Information regarding locations, owners, dates of completion, and descriptions of the proposed Construction Subcontractor's role and performance on each project, including the details on the requirements listed above, shall be provided for each project.

10.1.3.1 Prequalification of Other Civil Subcontractors

The PPC may wish to prequalify other civil Subcontractors in Appendix F that may be important to the Project, but is not required to do so. However, in order to award subcontracts to firms other than those that have been prequalified under the RFQ, the PPC must provide public notice of the availability of the work to be subcontracted.

The PPC or the DBFO Entity Subcontractor, as applicable, shall follow the procedures listed below for soliciting any Subcontracts that will be awarded to firms not identified in the Qualification Statement and for any Subcontracts awarded after Award of the DBFO Contract:

- A. The PPC or any Core Subcontractor, as applicable, shall provide public notice of the Work to be subcontracted in three newspapers of general circulation at least ten (10) calendar days prior to receipt of proposals. In addition, Contractor shall comply with the advertisement requirement for DBEs.
- B. The public notice shall specify the date and time on which the subcontracted Work is expected to be awarded.

- C. DBFO Subcontractors who are awarded DBFO Subcontracts shall be identified in the Designation of DBFO Subcontractors and DBEs Form that will be included in the RFP. The PPC shall submit this form either with the DBFO Proposal, or following Award of a DBFO Contract within fourteen (14) days prior to commencement of each DBFO Subcontractor's Work.
- D. The public notice shall include:
1. The time and place where proposals received will be publicly opened and read;
 2. The name of the contractor;
 3. The subcontract solicitation identification number;
 4. A brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term;
 5. The address where proposals are to be submitted;
 6. The date and time when proposals are due;
 7. A description of any eligibility or qualification requirement;
 8. A statement as to whether the subcontract requirement may be fulfilled by a subcontracting, joint venture, or co-production arrangement;
 9. Any other information which the Contractor deems useful to potential DBFO Subcontractors; and
 10. The name, address, and telephone number of the person to be contacted for additional information.

10.1.4 Fixed Facilities Design

The PPC may propose a civil engineering entity or consulting firm registered to practice and licensed to provide professional engineering services within the State of California to lead the design of the Fixed Facilities. Alternatively, the PPC may describe the approach the PPC will use in acquiring the skills and expertise described in this section and past experience in doing so.

The following information to be provided on the appropriate forms in RFQ Appendix F will be evaluated in accordance with the criteria in RFQ Section 8.

- A. The PPC shall demonstrate that the proposed Fixed Facilities Designer has a minimum of ten (10) years of experience in providing final design services for heavy civil projects. If a specific Fixed Facilities Designer is not named, describe the PPC's experience on previous projects in identifying, attracting and procuring Fixed Facilities Designers with the level of experience described herein.
- B. The PPC shall identify at least one, and no more than three (3), project(s) of similar size, scope and complexity to the OAC Project completed by the proposed Fixed Facilities Designer within the last seven (7) years that included each of the requirements or scope listed below. If a specific Fixed Facilities Designer is not named, this data shall be provided for any Fixed Facilities Designers selected by the PPC who have completed projects of similar size, scope and complexity to the OAC Project within the last seven (7) years.
1. Environmental mitigation measures.
 2. Equal employment opportunity requirements and procedures.

3. Protection of adjacent structures.
4. Traffic routing and control.
5. Light rail, urban, heavy rail, or AGT.
6. Integration of fixed facilities with light rail, urban, heavy rail, or AGT.
7. Agency coordination as the type described in RFQ Section 4.18.

Information regarding locations, owners, dates of completion, prime contractors that constructed the cited project, and descriptions of the proposed Fixed Facilities Designer's role and performance on each project, including the details on the requirements listed above, shall be provided for each project.

10.1.5 AGT Supply

The PPC may propose an AGT Supplier that will be responsible for the design, manufacture, delivery, installation management, test, acceptance, safety certification, and support of the performance of O&M for the AGT Operating System Technology. Alternatively, the PPC may describe the approach the PPC will use in identifying, acquiring and procuring an AGT Supplier and past experience in doing so.

The following information to be provided on the appropriate forms in RFQ Appendix F will be evaluated in accordance with the criteria in RFQ Section 8.

- A. The PPC shall demonstrate that the proposed AGT Supplier shall have a minimum of ten (10) years of aggregate experience in the design, manufacture, installation management, systems integration, testing, and acceptance of Operating System Technologies (OSTs). If a specific AGT Supplier is not named, describe the PPC's experience on previous projects in identifying, attracting and procuring OST suppliers with the level of experience described herein.
- B. The PPC shall submit a description of the proposed AGT technologies and describe how it will meet the requirements described in RFQ Sections 2.3.1, 5.0 and 6.0. If a specific AGT Supplier is not named, describe how each of the technologies in the range of technologies that the PPC is considering can meet these requirements herein.
- C. The PPC shall identify at least one, and no more than three (3), project(s) of similar size, scope and complexity completed by the AGT Supplier within the last seven (7) years, and include for each project the data listed below. If a specific AGT Supplier is not named, this data shall be provided for any OST suppliers selected by the PPC who have completed projects of similar size, scope and complexity to the OAC Project within the last seven (7) years.
 1. Project description, including system size and performance as compared to the OAC Project.
 2. Automated train control subsystem supplier.
 3. Names of key firms involved and specific experience said firm gained from the project.
 4. Letters of reference from owners regarding successful passenger operation and satisfaction in meeting contractual requirements.
 5. Evidence from system operating statistics that Major Subsystems, including automatic train control, vehicles, and switches, are technically mature.
 6. Experience with safety certification, including experience in working with government oversight agencies.

Information regarding locations, owners, dates of completion, and descriptions of the proposed OST Supplier's role and performance on each project, including the details on the requirements listed above, shall be provided for each project.

10.1.6 O&M Services

The PPC may propose an entity or subcontractor with the appropriate California State and local business licenses to provide O&M Services. Alternatively, the PPC may describe the approach the PPC will use in identifying, acquiring and procuring the skills and expertise described in this section and past experience in doing so.

The following information to be provided on the appropriate forms in RFQ Appendix F will be evaluated in accordance with the criteria in RFQ Section 8.

- A. The PPC shall demonstrate that the proposed O&M Service Provider has a minimum of three (3) years of experience in providing operations and maintenance services for an AGT, light rail, urban, or heavy rail transit system. If a specific O&M Service Provider is not named, describe the PPC's experience on previous projects in identifying, attracting and procuring O&M Service Providers with the level of experience described herein.
- B. The PPC shall identify at least one, and no more than three (3), project(s) of similar size, scope and complexity to the OAC Project where O&M Services have been provided by the proposed O&M Service Provider within the last seven (7) years. Include the data listed below for each cited project. If a specific O&M Service Provider is not named, this data shall be provided for any O&M Service Providers selected by the PPC who have performed O&M services on projects of similar size, scope and complexity to the OAC Project within the last seven (7) years.
 - 1. Project description, including system size and performance characteristics.
 - 2. Responsibilities and service provided.

Information regarding locations, owners, dates of completion, prime, and descriptions of the proposed O&M Services Provider's role and performance on each project, including the details on the requirements listed above, shall be provided for each project.

10.1.7 Construction Engineering Firm

A Professional Services Subcontractor may provide construction engineering services. The Construction engineering firm shall submit evidence of at least ten years of experience in providing construction management services for heavy civil projects; and a description and record of performance of at least one, (and no more than three), project of size, scope and complexity similar to the OAC Project.

10.1.8 Utilities Engineering Firm

A Professional Services Subcontractor may provide utility engineering services. The Utility Engineering firm shall submit evidence of a minimum of five years of experience in providing engineering design services for heavy civil projects.

10.1.9 Structural Engineering Firm

A Professional Services Subcontractor may provide structural engineering services. The Structural Engineering firm shall submit evidence of a minimum of five years of experience in providing structural design services.

10.1.10 Civil Engineering Firm

A Professional Services Subcontractor may provide civil engineering services. The Civil Engineering firm shall submit evidence of a minimum of five years experience in providing civil design services.

10.1.11 Geotechnical Engineering Firm

A Professional Services Subcontractor may provide Geotechnical engineering services. The Geotechnical Engineering firm shall submit evidence of a minimum of five years experience in providing geotechnical design services.

10.1.12 Mechanical Engineering Firm

A Professional Services Subcontractor may provide mechanical engineering services. The Mechanical Engineering firm shall submit evidence of a minimum of five years of experience in providing mechanical design services.

10.1.13 Electrical Engineering Firm

A Professional Services Subcontractor may provide electrical engineering services. The Electrical Engineering firm shall submit evidence of a minimum of five years of experience in providing electrical design services.

10.1.14 Transit Station Design Firm

Transit Station design services may be provided by a Professional Services Subcontractor. The Transit Station design firm shall submit evidence of a minimum of five years of experience in providing Transit Station design services; or shall submit a description and record of performance of the completion of at least one recent project demonstrating architectural and aesthetic expertise in the successful design of an architectural element that demonstrates the application of historical and cultural aspect to a significant corridor, similar to the significance of the Hegenberger corridor as a gateway to Oakland.

10.1.15 Maintenance Facility Design Firm

Maintenance Facility design services may be provided by a Professional Services Subcontractor. The Maintenance Facility design firm shall submit evidence of a minimum of five years of experience in providing design services; or shall submit a description and record of performance of the completion of at least one recent project demonstrating architectural and aesthetic expertise in the successful design of an architectural element that demonstrates the application of historical and cultural aspect to a significant corridor, similar to the significance of the Hegenberger corridor as a gateway to Oakland.

10.1.16 Systems Integration Engineering Firm

A Professional Services Subcontractor may provide systems Integration Engineering Services. The Systems Integration Engineering firm shall submit evidence of a minimum of five years of experience in providing operating system interface engineering, system integration, testing, and start-up services for a project of size, scope and complexity similar to the OAC.

10.2 COMPLETED PROJECTS AND CONTRACT AMOUNTS USED TO MEET EXPERIENCE REQUIREMENTS

In the Qualification Statement, substantially completed contracts may be used to meet a qualifying experience requirement. Substantial completion means that the related project is ready for public use or occupancy but final acceptance by the owner has not yet occurred.

Where previous contract amounts are required in the Qualification Statement, it is acceptable, but not obligatory, to state these contract amounts escalated to present value by using the Engineering News Record Construction Cost Index for the third quarter of 2005. Escalated amounts may be used in calculating minimum experience if the calculations are shown in the Qualification Statement. Base year and escalated amounts shall be identified.

11.0 CHANGES

Once prequalified, no change may be made in the prequalified elements of the DBFO Entity, including the venture itself, except upon written approval of the District. The approval will only be granted subject to the requirements of RFQ Section 11.5 and only if, in the District's sole judgment, the proposed change does not decrease the technical, financial, organizational, personnel, safety capabilities, DBE participation, management, or other pertinent qualifications of the PPC's organization covered by this RFQ.

11.1 TIME LIMIT FOR REQUESTING CHANGES

This Section describes requests by a prequalified PPC for changes. Requests shall be made in writing to the District no later than thirty calendar days prior to the date Proposals are submitted in response to the RFP.

11.2 SUBSTITUTION OF FINANCING ENTITIES

Prequalified PPCs shall not substitute Financing Entities except upon written approval by the District. The approval will be granted only subject to the requirements of RFQ Section 11.5, and only if (a) the replacement Financing Entity has been prequalified by the District as part of another prequalified PPC's Qualification Statement, and/or (b) the District determines that the proposed change does not decrease the financing capabilities, quality of credit, and other prequalification elements evidenced by the PPC's Qualification Statement.

11.3 SUBSTITUTION OF CORE SUBCONTRACTORS FOLLOWING PREQUALIFICATION

Prequalified PPCs shall not substitute Core Subcontractors except upon written approval by the District. The approval will be granted only subject to the requirements of RFQ Section 11.5, and only if: (a) the replacement Core Subcontractor has been prequalified by the District as part of another prequalified PPC's Qualification Statement, and/or (b) the District determines that the proposed change does not decrease the technical, organizational, personnel, safety capabilities, DBE participation, management, and other prequalification elements evidenced by the PPC's Qualification Statement.

11.4 SUBSTITUTION OF PROFESSIONAL SERVICE CONTRACTORS FOLLOWING PREQUALIFICATION

Prequalified PPCs shall not substitute Professional Service Contractors except upon written approval by the District. The approval will be granted only subject to the requirements of RFQ Section 11.5, and only if: (a) the replacement Professional Service Contractor has been prequalified by the District as part of another prequalified PPC's Qualification Statement, and/or (b) the District determines that the proposed change does not decrease the technical, organizational, personnel, safety capabilities, DBE participation, management, and other prequalification elements evidenced by the PPC's Qualification Statement.

11.5 SUBMITTAL OF CHANGE REQUESTS BY THE PPC

Any requests for District approval of the substitutions covered in RFQ Sections 11.2 through 11.4 shall be submitted by the PPC to the District at the following address:

Olga R. Perez, Supervisor, Contract Administration
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 17th Floor
Oakland, CA 94612
Telephone: (510) 874 – 7435;
Fax: (510) 287-4810

12.0 FEDERAL REQUIREMENTS

A sample of the U.S. Department of Transportation requirements is included in RFQ Appendix C.

13.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY/NON-DISCRIMINATION PROGRAM

The District is committed to carrying out all of the Disadvantaged Business Enterprises (DBEs) requirements of Title 49, Code of Federal Regulations Part 26, as amended from time to time. The procedures contained in the BART DBE Program will assure that all contracts and procurement are administered without discrimination on the basis of race, color, sex, or national origin, and that DBEs have an equal opportunity to compete for and participate in the performance of all agreements, contracts and subcontracts awarded by the District.

13.1 BART POLICY

It is the policy of the District to ensure non-discrimination on the basis of race, color, sex or national origin in the award and administration of DOT-assisted contracts. It is the intention of the District to create a level playing field on which DBEs can compete fairly for agreements, contracts and subcontracts, including but not limited to construction, procurement and proposal contracts, professional and technical services agreements and purchase orders.

It is the policy of the District to not discriminate in the award of subcontracts on the basis of race, national origin, color, ethnicity, or gender in non-federally funded contracts.

13.2 JOINT VENTURE WITH DBE

PPCs are also encouraged to explore joint venturing possibilities with DBEs for the work to be performed. A DBE may be a participant on more than one proposing team.

13.3 TRANSIT VEHICLE MANUFACTURERS

As a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurement, such as this Project, transit vehicle manufacturers must certify that they have complied with the requirements of 49 CFR Part 26, Section 26.49 (b) and (c).

13.4 DBE PARTICIPATION GOALS

The District DBE goals for the following categories of work for the OAC Contract are:

Operating System Professional Services	10%
Fixed Facilities Professional Services	30%
Operating System Subsystems, except Vehicles	10%
Fixed Facilities Construction	25%
Trucking	50%

The District DBE goal for overall participation for the Contract is 20% of the total initial capital Fixed Facility and AGT costs, excluding allowances. Good faith efforts shall be made to meet each individual goal as well as the overall goal.

For Professional Services only, the PPC shall meet the DBE participation goal by including DBEs certified prior to the date Proposals are due.

13.5 PROFESSIONAL SERVICES

The PPC shall meet the DBE participation goal for professional services by including the prequalified DBE subcontractors in its Proposal. DBEs must be certified prior to the date Proposals are submitted. See RFQ Section 9.3.

13.6 O&M NON-DISCRIMINATION PROGRAM

The DBFO Contract will include the following Non-Discrimination Program during the O&M.

It is the policy of the San Francisco Bay Area Rapid Transit District to ensure that DBFO Contractor who contracts with the District does not discriminate or give a preference in the award of O&M Subcontracts on the basis of race, national origin, color, ethnicity, or gender. If the DBFO Contractor subcontracts a portion of the O&M Work, this Non-Discrimination Program for O&M Subcontracting shall apply.

A. For purposes of this O&M Work the following definitions shall apply:

1. “Minority Business Enterprise (MBE)”: a business enterprise that is at least 51% owned and controlled by a minority person(s).
2. “Women Business Enterprise (WBE)”: a business enterprise that is at least 51% owned and controlled by a woman or women.
3. “Minority Persons”: African Americans (i.e. persons having origins in any of the Black African racial groups), Hispanic Americans (i.e. Cuban, Mexican, Puerto Rican, Latin American, European Spanish (but not Portuguese), and other Hispanic origins and cultures), Asians and other minorities (i.e. Asian and Pacific Islander, ancestral groups of Asian Indians, Chinese, Japanese, Filipino, Hawaiian, and other Asian or Pacific Islander; and Native American ancestral groups of Eskimos and American Indian.

A database of available certified M/WBE firms is available for review at the District’s Office of Civil Rights. In addition, Form A, Application for Certification as a Minority or Woman Owned Business Enterprise for Non-Discrimination Program for Subcontracting, can be obtained from the District’s Office of Civil Rights at 300 Lakeside Drive, 18th Floor, Oakland, California, telephone (510) 464-6100 or downloaded from the District’s internet web site. The web site address is: www.bart.gov. All District-certified MBE/WBE firms, except manufacturers, suppliers, brokers and manufacturer’s representatives, are automatically qualified to be M/WBE firms for this Contract and do not need to complete Form A. Firms that are currently certified by the City of Oakland, Port of Oakland, City of Richmond or the San Francisco Human Rights Commission as an M/WBE firm, need only to attach a copy of their current certification letter and complete Items 1 through 8 on Form A. All other firms must complete the entire Form A. Manufacturers, suppliers, brokers and manufacturer’s representatives are not eligible for certification under this Program.

4. Percentage”: MBE and WBE availability shall be equal to the percentage of MBEs Availability and the percentage of WBEs in the pool of all O&M Subcontractors within the relevant market area that are available to bid on O&M Subcontractor Work in the absence of discrimination or preference.
- B. MBE and WBE Availability Percentages: The MBE Availability Percentage for this Agreement is currently 12% and the WBE Availability Percentage for this Agreement is currently 15%.
- C. MBE and WBE Participation:
1. MBE and WBE participation includes agreements (other than employee contracts) between MBEs and WBEs and the DBFO Contractor for services specifically required for the O&M Work, except for O&M Subcontracts for goods and supplies. The DBFO Contractor assumes responsibility for accurately identifying the first-tier status of MBE and WBE firms proposed in the Designation of O&M MBE/WBE Subcontractors Form and the MBE/WBE Participation Form for the DBFO Contract.

2. An MBE and WBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of work and must carry out its responsibility by actually performing, managing and supervising the O&M Work.

14.0 PREVAILING WAGES

Special attention is directed to Division 2, Part 7, Chapter 1, Article 2 of the State Labor Code concerning wages. The Contractor and each Subcontractor shall pay to all workers employed on the Project not less than the prevailing rates of wages as determined by the Director of the State Department of Industrial Relations or set out in the wage determination of the U.S. Secretary of Labor, whichever is higher.

15.0 LEGAL, CONTRACTUAL AND MISCELLANEOUS MATTERS**15.1 EXTENSIONS**

Qualification Statements shall be signed by an official authorized to bind the PPC and shall be valid for at least 90 calendar days from the date of submission of Qualification Statements set forth herein. The District may request PPCs to extend the validity period by written agreement between BART and the PPC.

15.2 CONTACT INFORMATION

PPCs shall direct all correspondence or facsimile inquiries regarding the invitation to Submit Qualification Statement to:

Olga R. Perez, Supervisor, Contract Administration
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 17th Floor
Oakland, CA 94612
Telephone: (510) 874-7435
Fax: (510) 287-4810
E-mail: operez@bart.gov

15.3 PRE-SUBMITTAL CONFERENCE

The District will conduct a Pre-Submittal Conference on Friday, March 10, 2006 from 9 to 11 a.m. at Joseph P. Bort Metro Center, Lawrence Dahms Auditorium, 1st Floor, 101 8th Street, Oakland, California 94607. The District will transmit to all PPCs of record (holders of the RFQ) such Addenda as the District, in its discretion, considers necessary in response to written questions and those that arise during the Pre-Submittal Conference. Oral statements shall not be relied upon and shall not be binding or legally effective. Written Addenda issued by the District as a result of the Pre-Submittal Conference shall constitute the sole and exclusive record and statement of the results of the Pre-Submittal Conference.

15.4 MULTIPLE SUBMITTALS

Multiple Qualification Statement submittals in response to this RFQ from an individual, firm, corporation, or combination thereof under the same or different names shall be acceptable and individually evaluated by the District. Each submittal shall be complete, comprehensive, individually titled and shall not reference any other submittal. There are no limitations on the participation of subconsultants or subcontractors in multiple Qualification Statement submittals. Each Qualification Statement shall be focused on only one AGT OST.

15.5 ADDITIONAL INFORMATION**15.5.1 Questions, Explanations, and Clarifications**

PPCs that wish explanations or clarifications of the RFQ shall submit their inquiries, in writing, identifying the RFQ name, to:

Olga R. Perez, Supervisor, Contract Administration
San Francisco Bay Area Rapid Transit District
300 Lakeside, 17th Floor
Oakland, CA 94612
Telephone: (510) 874-7435
Fax: (510) 287-4810

Any response that the District may choose to make will be by written Addenda to the RFQ that will be mailed to all persons or business entities that have requested the RFQ. The District will not be bound by

any explanation, clarification, or interpretation, oral or written, by whomsoever made, that is not incorporated in an Addendum to the RFQ. The receipt of Addenda by the PPC shall be acknowledged and shall be noted in the Qualification Statement. No response will be made to inquiries received by the District seven calendar days before the scheduled Qualification Statement submittal date.

15.5.2 DBE Participation Clarification

The District DBE goals for the OAC Contract are included in RFQ Section 13.4. Inquires regarding the District's DBE or Non-discrimination Programs shall be directed to the District's Office of Civil Rights at the address and phone numbers shown below:

Lee Davis, Department Manager Office of Civil Rights
300 Lakeside Drive, 18th Floor
Oakland, CA 94612
Telephone: (510) 464-6100
Fax: (510) 464-7587

15.6 USE OF REFERENCE MATERIAL

Reference Documents listed in RFQ Appendix B are available for review between the hours of 9:00 am and 12:00 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday, at the OAC Project Library in the BART office located at 300 Lakeside Drive, 21st Floor, Oakland, CA. Please call Anita Grayson @ (510) 464-6440 to schedule an appointment to use the OAC Project Library. Reference Documents may also be purchased from Kinkos located at 300 Lakeside Drive, Lobby, Oakland, CA (510) 893-8222.

The District is not responsible for the development, accuracy, or correctness of any Reference Material listed in RFQ Appendix H. The District will not be responsible for conditions or occurrences resulting from or traceable to insufficient and/or inaccurate information derived from or based upon this Reference Material. The disclaimer contained in this Section 15.6 expressly includes, but is not limited to, information contained in RFQ Appendix H.8 ("Bart to Oakland Airport Connector Ridership Update").

15.7 ELIMINATION

The District may, in its sole judgment, eliminate from further consideration a PPC that fails to: (a) submit all information required by this RFQ, or (b) meet the prequalification requirements identified in this RFQ.

15.8 SUBMITTAL OF QUALIFICATION STATEMENTS

The Qualification Statement shall be submitted as one submission, which shall consist of the following copies and page limitations:

RFQ SECTION	OAC REQUIREMENT	PUBLIC RECORDS HARD COPY	ORIGINAL HARD COPY	ADDITIONAL HARD COPIES	PAGE LIMITATION, EXCLUDING FORMS MINIMUM FONT SIZE: 11
10.1.1	PPC	1	1	9	10
10.1.2	Financing Entities	1	1	9	10, excluding the financial statements and/or audits
10.1.3	Construction	1	1	9	8
10.1.4	Fixed Facilities Design	1	1	9	5
10.1.5	AGT Supplier	1	1	9	5
10.1.6	O&M	1	1	9	5
10.1.7 - 10.1.16	Professional Services Subs	1	1	9	As Required

The original copy shall be clearly marked on the front page with "ORIGINAL COPY" in conspicuous letters.

The Public Records copy shall be clearly marked on the front page with "PUBLIC RECORDS COPY" in conspicuous letters and shall exclude confidential or proprietary information.

The Qualification Statements shall be delivered to the District at the address and by the time and date identified in RFQ Section 1.0.

15.9 SUBMITTAL OF PROPOSALS

Only prequalified PPCs will be eligible to submit Proposals in response to the RFP for the OAC Project.

15.10 NOTIFICATION OF DETERMINATION

A Notice of Approved Prequalified DBFO Entities will be transmitted to the PPC at the address contained in the Qualification Statement by such means as will provide verification of receipt.

15.11 INFORMALITIES AND IRREGULARITIES

The District reserves, in its sole discretion, the right to waive informalities and minor irregularities or defects in Qualification Statements received, other provisions in this RFQ notwithstanding.

15.12 DISTRICT'S RESERVATION OF RIGHTS

This document is subject to change and the District reserves the right not to issue the RFP. This RFQ does not commit the District to initiate a subsequent Request For Proposal process, or to procure or contract for services. The District will not pay any costs incurred by a PPC in the preparation or submittal of a Qualification Statement.

15.13 LEGAL BASIS OF DESIGN-BUILD-FINANCE-OPERATE PROCUREMENT

The District will carry out the OAC Project contracting process in accordance with applicable federal and state law, including without limitation, the Infrastructure Financing Act (California Government Code §§ 5956 et seq.)

15.14 RESPONSIVENESS REQUIREMENTS

The Qualification Statement must include all required elements identified in RFQ Section 10.1 OAC Requirements and listed in RFQ Appendix E. The Qualification Statements will be reviewed for responsiveness in accordance with RFQ Section 8.2.

15.14.1 Certification Regarding Financial Contributions

The Board of Directors of the San Francisco Bay Area Rapid Transit District has adopted a Board rule limiting financial contributions to Board members and candidates for Director ("the rule"). In regard to any Contract Award requiring authorization of the Board, the rule prohibits all Prospective DBFO Entities and any proposed first tier subcontractor whose subcontract is reasonably likely to exceed \$100,000 from making any monetary or in-kind contribution (including loans) to a BART Director or to any candidate for Director.

For purposes of the rule, the term "contribution" shall have the same meaning as defined in California Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.

In order to apply the rule to the prequalification process of DBFO Contracts pursuant to Government Contract Code Sections 5956 et seq., the rule shall be effective from the date a Prospective DBFO Entity submits and the District receives its Qualification Statement. If the Prospective DBFO Entity does not prequalify, that entity will not be subject to the rule from the date of final determination by the District that it is not prequalified. If a Prospective DBFO Entity that has been prequalified does not submit a proposal, that entity will not also be subject to the rule after the date the proposals are opened.

Attention is directed to RFQ Appendix G. CERTIFICATION REGARDING FINANCIAL CONTRIBUTIONS. Each member of the Prospective DBFO Entity and all first tier Subcontractors whose subcontracts are reasonably likely to exceed \$100,000 shall be required to execute this Certification.

Each PPC must use best efforts to collect all of the required Certifications and to submit such Certifications along with its own to the District on the date Qualification Statements are due.

Each PPC is advised that all Certifications must be submitted on the date Qualification Statements are due unless there is reasonable cause for delay; however, Prospective DBFO Entity is cautioned that unless all Certifications are submitted within five (5) calendar days after the date Qualification Statements are due, the Qualification Statement may be considered non-responsive.

Certifications submitted after the Qualification Statement due date shall be submitted to:

San Francisco Bay Area Rapid Transit District
Contract Administration Division
300 Lakeside Drive, 17th Floor
Oakland, CA 94612
Attn: Olga R. Perez
FAX: (510) 287-4810

Facsimile transmission of the Certifications will be acceptable by the above deadlines subject to subsequent receipt of originals by express or U.S. Mail. Please direct any questions regarding the rule to Olga R. Perez at (510) 874-7435.

15.15 SAMPLE INSURANCE REQUIREMENTS

Sample insurance requirements for the Project are included under RFQ Appendix D.

Prequalified PPCs will be required to submit an express agreement of unlimited and joint and several liability of each of the venture participants or team members with their Proposals.

15.16 BUY AMERICA REQUIREMENTS

The OAC Project is subject to Buy America provisions required of public transit agencies by the FTA. PPCs shall submit completed Buy America Certificates with the Proposal. It is industry practice to separate a project into sub-systems. Accordingly, each sub-system identified in the project is an end product and subject to the Buy America requirements. The AGT system has seven sub-systems to be supplied by the contractor under this Project and each sub-system is an individual end product. The seven sub-systems are listed below and each of these sub-systems (or end products) must meet the Buy America requirements. Seven separate Buy America certificates will be required in the RFP for the following end products:

- A. Guideway and Guideway Equipment.
- B. Power Distribution Subsystem.
- C. Stations and Station Equipment.
- D. Maintenance Facilities and Maintenance Equipment.
- E. Command and Control Sub-systems.
- F. Communications Subsystems.
- G. Vehicles, excluding spare parts.

PPCs will be required to certify "Compliance" or "Non-compliance" for each end product identified above in the RFP. In the event a PPC certifies "Non-compliance" to any end product, the basis for an exception as identified in 49 CFR 661.7 must be provided along with any FTA waiver request that the

PPC has submitted directly to FTA. The District will seek a waiver from the Buy America provisions from the FTA if the grounds for a waiver exist. A PPC seeking the District's assistance in requesting a waiver from FTA must submit a request in writing to the District with the Proposal, which shall include the facts and justification to support the granting of the waiver. During Proposal evaluation, the District will determine if the PPC has submitted adequate justification to support the District in submitting a waiver request to FTA. Prior to Contract Award, the District, at its sole discretion, may request a price-differential waiver from FTA for a subsystem/end product within the overall Contract.

Certifications submitted as part of the Proposal may be superseded by subsequent certifications submitted with revised proposals if the District so requests.. The certification submitted with the PPC's final revised Proposal will control. However, if the District intends to award the Contract on the basis of initial Proposals without discussion, the certification submitted with the initial Proposal will control.

The District will review the circumstances of each FTA waiver request. If the District requests an FTA waiver, the Contract Award will be delayed until the FTA response. If the District decides not to request a waiver, or if a waiver request is denied, the Proposal will not be considered further.

FTA requires both Pre-Award and Post Delivery Reviews for vehicles. The Contractor and the District shall utilize the following guidelines in determining whether the Buy America requirements are met:

- A. Pre-Award Review. The following information concerning the AGT vehicles shall be submitted in the Proposal. Information shall be as required and in the formats of the FTA's "Conducting Pre-Award and Post-Delivery Reviews for Rail Vehicle Procurements", May 1, 1995, FTA DC-90-7713-94-1, Rev, B.

The PPC shall submit information on Buy America compliance, including:

1. Proposed domestic content of the vehicles to the sub-component level to determine that the required 60% United States content is met.
2. Proposed final assembly location(s).
3. The manufacturing activities that will take place at the final assembly location.

Final assembly is defined in 49 CFR Part 661, Buy America Requirements, Final Rule as "the creation of the end product from different elements brought together for that purpose through the application of the manufacturing process". As an example, for the manufacture of a vehicle, final assembly would typically include, as a minimum, the following operations: installation and interconnection of propulsion control equipment, propulsion cooling equipment, brake equipment, energy sources for auxiliaries and controls, heating and air conditioning, communications equipment, motors, wheels and axles, suspension and frames; the inspection and verification of all installation and interconnection work; and the in-plant testing of the stationary product to verify all functions. If a manufacturer's final assembly processes do not include all the activities that are typically considered the minimum requirements, it can request a FTA determination of compliance. Such determination should be submitted no later than the date that Proposals are submitted, and a copy of the request to FTA shall be concurrently submitted to the District as part of the Proposal. FTA will review these requests on a case-by-case basis to determine compliance with Buy America.

The information provided by the PPC and reviewed by the District must be sufficient to support a Pre-Award Buy America Certification that the proposed vehicle procurement meets the domestic content, the final assembly location, and final assembly activities requirements. The PPC shall provide enough detail about these activities to allow for the determination that these activities would constitute adequate final assembly under Buy America requirements. Failure to provide such information may prevent further

consideration of the Proposal. A determination by the District that such activities are not adequate may be determined by a site visit and result in the District requesting a different manufacturing plan, or may prevent further consideration of the Proposal.

- B. Post Delivery Review. The District will conduct post-delivery / construction reviews of vehicles as required by the FTA as part of the System acceptance process.

15.17 LICENSING AND CERTIFICATION REQUIREMENTS

15.17.1 California Contractor's License

PPCs are hereby advised that any Proposal will be rejected if the prequalified PPC, or at least one venture participant, does not possess a valid State of California Class A Contractor's License at the time of Contract Award.

15.17.2 Certifications

The following information is provided for the consideration of the PPC and identified Subcontractors.

- A. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions – All PPCs and identified Subcontractors reasonably likely to receive an amount in excess of \$100,000, shall execute the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions when the District issues the RFP and the PPC shall include it with their Proposal. PPCs are advised that if such Certifications are not included with their Proposal, failure to submit such Certification thereafter, within a reasonable time limit established by BART, may prevent further consideration of the Proposal. Following Contract Award, the Certification of all other proposed Subcontractors of any tier reasonably likely to receive an amount in excess of \$100,000 shall be submitted by the PPC to the BART Project Manager at least 14 calendar days before the commencement of each Subcontractor's work.
- B. Certification Regarding Lobbying – All PPCs and identified Subcontractors reasonably likely to receive an amount in excess of \$100,000 shall execute the Certification Regarding Lobbying when the District issues the RFP and the PPC shall include it with their Proposal. PPCs are advised that if such Certifications are not included with their Proposal, failure to submit such Certification thereafter, within a reasonable time limit established by BART, may prevent further consideration of the Proposal. Following Contract Award, the Certification of all other proposed Subcontractors of any tier reasonably likely to receive an amount in excess of \$100,000 shall be submitted by the PPC to the BART Project Manager at least 14 calendar days before the commencement of each Subcontractor's work.

15.17.3 Conflict of Interest

The following information is provided for the consideration of the PPC and identified Subcontractors.

- A. Depending upon the nature of the services performed, District consultants are subject to the same conflict of interest prohibitions, which apply to District employees. These include, but are not limited to, the conflict prohibitions of the FTA (see FTA's Circular 4220.1E, "Third Party Contracting Requirements") and the requirements of California law (including Government Code Sections 1090 et seq. and 87100 et seq., and Title 2, Division 6 of the California Code of Regulations.) Notwithstanding RFQ Section 15.17.3B, below, the District reserves the right to disqualify any PPC and identified Subcontractors under the RFP if the District, in its sole discretion, deems that the potential for conflicts of interest is likely to impair or restrict the PPC's and identified

Subcontracters' ability to furnish services contemplated within the Scope of Services for the OAC Project.

- B. PPCs and identified Subcontractors should be aware that in order to avoid any potential conflicts of interest, a successful PPC, identified Subcontractors and its affiliates might be precluded from subsequently participating as a vendor or contractor on projects for which they are providing services pursuant to the RFP.
- C. As part of the RFP processes, PPC and identified Subcontractors are required to disclose all work performed by the PPC and identified Subcontractors (or any of its affiliates) within five years of the date of receipt of proposals for the RFP, which is related to a BART project. Additionally, PPC and identified Subcontractors may be required to disclose financial interests so that the District may be assured that the potential for conflicts of interest under state and federal law and regulations is not likely to impair the PPC's and identified Subcontractors' ability to furnish services contemplated within the Scope of Services.
- D. The District will perform a conflict of interest review during evaluation of the Proposals.

15.18 USE OF ENGLISH LANGUAGE

Qualification Statements shall be prepared in the English Language. Any units included in the Qualification Statements shall be in the system of units customarily used in the United States (not metric units). If original designs are in metric units, metric units may be shown with English units in parentheses.

15.19 CLARIFICATION REQUESTS BY DISTRICT

In the event that the District requests a clarification to a submitted Qualification Statement, PPC shall be provided five working days to respond in writing to the District's request for clarification or correction. The PPC shall mail, fax, or hand deliver the required clarification or correction directly to:

Olga R. Perez, Supervisor,
Contract Administration
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 17th Floor
Oakland, CA 94612
Telephone: (510) 874 - 7435
Fax: (510) 287-4810

16.0 PROTESTS

16.1 ADDRESS

A PPC who submits, or who plans to submit, a Qualification Statement may protest as described below:

All protests must be in writing; shall state the name and address of protestor, the contact person, and the title of the prequalification document; and shall specify in detail the grounds of the protest and the facts supporting the protest.

All protests must be addressed as follows:

For Special Delivery or Hand Delivery

Office of the District Secretary
San Francisco Bay Area Rapid Transit District (BART)
23rd Floor
300 Lakeside Drive
Oakland, CA 94612

For U.S. Mail

Office of the District Secretary
San Francisco Bay Area Rapid Transit District (BART)
23 rd Floor
300 Lakeside Drive
P.O. Box 12688
Oakland, CA 94612

The District may not consider protests not properly addressed to the District Secretary.

Copies of the District's Protest Procedures and Protest provisions of FTA Circular 4220.1E may be obtained from the District's Division of Contract Administration, P.O. Box 12688, Oakland, California 94612, telephone (510) 874-7435. Qualification Statements will be received and Prequalification determinations made by the District only in accordance with the District's Protest Procedures and the protest provisions of FTA Circular 4220.1E.

16.2 PROTESTS REGARDING PREQUALIFICATION DOCUMENT CONTENT

Five copies of protests based on the content of the RFQ must be received by the District Secretary's office no later than ten calendar days after the RFQ is first advertised. A written decision specifying the grounds for sustaining all or part of or denying the protest will be transmitted to the protestor in a manner that provides verification of receipt, prior to the submission of Qualification Statements. If the protest is sustained, the Qualification Statement Submission Date may be postponed and an addendum issued to the Prequalification Document or, at the sole discretion of the District, the advertisement may be canceled. If the protest is denied, Qualification Statements will be received on the scheduled date unless a protest is filed with FTA. See RFQ Section 16.4 below.

16.3 PROTESTS OF THE DISTRICT'S ACTION ON THE APPROVED PREQUALIFIED PPCS LIST

The District will transmit to all PPCs who have submitted a Qualification Statement a Notice of Approved Prequalified DBFO Entities at the address contained in the Qualification Statement in a manner that provides verification of receipt. Any PPC who has submitted a Qualification Statement may protest the District's action on the Approved Prequalified DBFO Entities List on any ground not specified in RFQ Section 16.2 above. Ten (10) copies of a full and complete written statement specifying in detail the grounds of the protest must be received by the District Secretary at the appropriate address in RFQ

Section 16.1 above not later than seven calendar days after the date such notification is received. A written decision stating the grounds for allowing or denying the protest will be transmitted to the protestor and any affected DBFO Entity in a manner that provides verification of receipt prior to issuing the Notice of Final Approved DBFO Entities List. Such decision shall be final. If the District decides to repeat the Prequalification process, no protest will be considered.

16.4 FTA REVIEW

A PPC that submits a protest may request FTA review of District action on a protest subject to the following requirements: FTA review is limited to the alleged failure of the District to have written protest procedures, the alleged failure of the District to follow those procedures, the alleged failure of the District to review a protest, or the alleged violation of Federal law or regulation; an appeal to FTA must be received by FTA's Regional Administrator for Region IX in San Francisco, within five (5) working days after the District's final Decision is received by the PPC, or five (5) working days after the PPC learned or should have learned of the District's final Decision or other basis of appeal to FTA; a copy of the appeal filed with the FTA shall be submitted to the District Secretary.

17.0 APPLICATION OF PUBLIC RECORDS ACT**17.1 DISTRICT IS SUBJECT TO THE ACT**

The District is subject to the California Public Records Act (Government Code Sections 6250 et seq.) and any documents submitted, except the Financial Condition and Capacity portions of the Qualification Statement and such records as are exempt under Government Code Section 6254, are open to public inspection and copying. PPCs shall specifically identify any portion of their Qualification Statements that they deem to contain confidential, proprietary information, or trade secrets and will be required to provide, upon request, justification of why such material should not be disclosed by the District pursuant to the California Public Records Act.

17.2 REQUEST FOR PROPRIETARY INFORMATION DESIGNATION STATUS

If a PPC designates information as proprietary, and there is a Public Records Act request filed with the District seeking disclosure of that information, the PPC shall assist the District in responding to the request by reviewing the documents requested and confirming that the PPC wishes the District not to make them public. In addition, the PPC agrees to hold the District harmless and, at the District's discretion, provide legal defense for the District from all claims and demands including attorneys' fees asserted against the District that result from the District refusing to make public documents the PPC has designated as proprietary. The PPC also agrees that, if any action is filed in court seeking disclosure of the information declared proprietary by the PPC, the District may deposit the documents with the court, and the PPC shall defend in court its designation of the information as proprietary.

18.0 DISTRICT PROJECT ORGANIZATION

The preliminary functional organization of the OAC Project is shown in RFQ Appendix B. These charts represent the anticipated functions of the entities, but not reporting relationships within each entity. The principal entities are identified in the following Sections:

18.1 THE DISTRICT'S PROJECT MANAGER

The District has appointed a Project Manager for the Oakland Airport Connector Project. The OAC Project Manager, under the direction of the Transit Systems Development executive staff, will coordinate with the other BART departments and handle administrative functions, outside agreements, and public information. The District's organization is shown in RFQ Appendix B.1.

18.2 THE GENERAL ENGINEERING CONSULTANT

The District has engaged the services of a General Engineering Consultant (GEC) to provide engineering support to the District. Such support includes but is not limited to: preliminary engineering, preparation of Contract requirements, proposal evaluation and assistance, contract compliance reviews, design oversight, maintaining the master project schedule, coordination with other agencies, and construction management.

DEFINITIONS

The following words, terms, abbreviations, and acronyms, when used in this RFQ, shall have the definitions identified in this Section.

ACTIA: Alameda County Transportation Improvement Authority

ADA: Americans with Disabilities Act.

AFC: Automated Fare Collection.

AGT: Automated Guideway Transit. A guided transit mode with the ability to operate without drivers or attendants on vehicles, featuring vehicles that operate on guideways with an exclusive right-of-way.

AGT Operating System Technology (OST): The Major Subsystems, when appropriately and successfully combined with other system components to form an integrated, functioning whole, constitute the Operating System Technology. This also includes the station elevators and escalators; station equipment; and maintenance equipment and special fixtures.

AGT Supplier: The AGT Supplier provides the aggregate design, manufacturing, delivery, installation, test, acceptance, safety certification, and support or actual performance of O&M of the AGT Operating System Technology. (See RFQ Sections 9.3.3 and 10.1.5.)

ATO: Automatic Train Operation – The subsystem within the automatic train control system that performs any or all of the functions of speed regulation, programmed stopping, door and dwell time control, and other functions otherwise assigned to the train operator.

ATP: Automatic Train Protection – The subsystem within the automatic train control system that provides the primary protection for passengers, personnel, and equipment against the hazards of operations conducted under automatic control.

ATS: Automatic Train Supervision – The subsystem within the automatic train control system that monitors and manages the overall operation of the AGT system and provides the interface between the system and the central control operator.

Award: The acceptance by the District of a Proposal.

Allowance: An amount established in the Contract Documents for inclusion in the Contract Price to cover the cost of prescribed items not specified in detail, with provision that variations between such amount the finally determined cost of the prescribed items will be reflected in Change Orders appropriately adjusting the final Contract Price.

BART: San Francisco Bay Area Rapid Transit District. This term is used interchangeably with “District.”

Best Value: A selection process in which the Proposals contain both price and qualitative components, and award is based upon a combination of price and qualitative considerations. Qualitative considerations may include technical design, technical approach, quality of proposed personnel, schedule, financial strength, financing plan, service proven technology, experience, design and/or management plan. The

award selection is based upon a consideration of criteria to determine the offer deemed most advantageous and of the greatest value to the District.

CCO: Central Control Operator.

CCTV: Closed Circuit Television.

CEQA: California Environmental Quality Act, Cal. Pub. Res. Code §§21000 et seq.

Clarification: A written request for information initiated by the District to the PPC stating the information needed and a date and time by which the information must be provided in writing to the District.

Communications: A written request for information initiated by the PPC to the District regarding the RFQ.

Construction Subcontractor: The Construction Subcontractor provides all civil construction of the facilities and guideway required for the OAC System, specifically including heavy civil construction. (See RFQ Sections 9.3.1 and 10.1.3.)

Contract: The Request for Proposals, Invitation to Propose, Instructions to Proposers, General Conditions, Supplementary Conditions, Contract Specifications, Appendices (including the Proposal Forms, Proposer's Bonds, and forms for Designation of Subcontractors), the DBFO Contract Form, the Contract Drawings and additional documents incorporated by express reference into the Contract.

Contract Drawings: The official plans, profiles, typical cross sections, general cross sections, elevations, schedules and details listed or referenced in the Contract or amendments thereto, and supplemental drawings approved by the District, which show the locations, character, dimensions, and details of the Work to be performed.

Contract Specifications: The specifications prepared for specific contracts located in the Contract and to be available when the RFP is released.

Contractor: The person or persons, firm, partnership, joint venture, corporation, or combination thereof, or other entity, private, municipal or public, which, as an independent contractor, has entered into a DBFO Contract with the District, and which is referred to throughout the Contract by singular number and neuter gender.

Core Subcontractor: A subcontractor within PPC's team with demonstrated expertise in one (or more) of the four key disciplines identified in RFQ Section 9.3.

CPUC: California Public Utilities Commission.

Deficiencies: A material failure of a DBFO Entity to meet the District's requirements or a combination of significant Weaknesses in a Qualification Statement that increases the risk of unsuccessful contract performance to an unacceptable level.

Design-Build-Finance-Operate (DBFO) Contract: The Contract for the OAC Project, the scope of which includes all of the following activities for the Fixed Facilities and AGT Operating System Technology: Project financing, design, construction, manufacturing, installation, test, acceptance, safety certification, operations and maintenance.

Design-Build-Finance-Operate (DBFO) Entity: All engineers, architects, subconsultants, subcontractors, and other entities that shall perform design, construction, financing, and operating services for the Project. The Design-Build-Finance-Operate Entity includes the Contractor (PPC) and all entities working under the Contractor (PPC). This definition is consistent with “private entity” as defined under California Government Code § 5956.3.

DBE: Disadvantaged Business Enterprise.

District: The San Francisco Bay Area Rapid Transit District. This term is used interchangeably with “BART.”

District’s Representative: The District’s representative as designated in the Supplementary Conditions.

EIR: Environmental Impact Report prepared in accordance with the requirements of the California Environmental Quality Act.

EIS: Environmental Impact Statement prepared in accordance with the requirements of the National Environmental Policy Act.

Financing Entity (Entities): The party or parties that may be comprised of individuals, partnerships, corporations, trustees or other entities, including public entities who provide financing to perform the Work through agreements with the PPC. (See RFQ Sections 9.2 and 10.1.2.)

Fixed Facilities: The AGT guideway structure, stations, traction power substation building rooms, other equipment rooms, maintenance and vehicle storage facility, and such other facilities that may be required to complete the OAC Project.

Fixed Facilities Designer: A civil engineering entity or consulting firm registered to practice and licensed to provide professional engineering services within the State of California shall lead the design of the fixed facilities. (See RFQ Sections 9.3.2 and 10.1.4.)

FTA: Federal Transit Administration.

GEC: General Engineering Consultant; the team of consultants under contract to the District, led by Lea+Elliott, Inc., that provides general engineering and procurement services pertaining to the OAC.

Infrastructure Financing Act (IFA): California Government Code §§ 5956 et seq.

Joint Venture: Two or more firms jointly entering into a contract for a specific venture.

Major Subsystems: Those subsystems that comprise the most important, but not all, functional elements of the AGT Operating System Technology. For the purposes of determining the OAC proven service requirements of RFQ Section 9, the Major Subsystems are:

1. Vehicles;
2. Power Distribution;
3. Automatic Train Control
4. Power Rail (and Signal Rail, if appropriate) and Vehicle Power Collector Assemblies and Interface;
5. Vehicle Running Gear/Guidance Assemblies and Interface;

6. Vehicle/Train Switching.

Mitigation Monitoring and Reporting Plan (MMRP): A plan developed by the District to ensure that the OAC Project complies with the mitigation requirements included in the EIR/EIS.

mph: miles per hour.

NEPA: National Environmental Policy Act of 1969, as amended, 42 USC §§ 4321 et seq.

Oakland International Airport Connector (OAC): The Project defined in the EIR/EIS of which this RFQ is based.

O&M: Operations and Maintenance.

O&M Work: All O&M work defined under the DBFO Contract.

Operations & Maintenance Service Provider: An Operations and Maintenance Subcontractor that shall fully operate and maintain the OAC when it enters public service. (See RFQ Sections 9.3.4 and 10.1.6.)

Operating System Technology (OST): The vehicles, running surfaces or track, switches, other guideway equipment, active graphics, any platform barrier doors, power distribution, central control and ATC, communications, maintenance equipment, and all other equipment associated with operating the trains.

pphpd: passengers per hour per direction.

Professional Services Subcontractor: The term “Professional Services Subcontractor” is the licensed professional engineering or architectural service entity or individual that is separate and apart from the Core Subcontractors described in RFQ Section 9.2 and will be proposed as subcontractor to the PPC or Core Subcontractors. (See RFQ Section 9.4.)

Project: The Oakland International Airport Connector (OAC) Project.

Project Financing: The use of financing provided through an agreement with a private entity pursuant to the Infrastructure Financing Act (IFA), Gov’t Code §§ 5956 et seq. as a supplemental funding source with regard to the design, construction, and operation of the OAC Project.

Project Management Plan: A requirement to be submitted with the Proposal in response to the RFP, should PPC be prequalified.

Project Manager: Principal individual representing a given entity (either the District or the PPC) that is ultimately responsible for Project activities.

Proposal: An offer that includes, among other elements, financial, technical, management, and commercial information to design, build, finance and operate the OAC in response to the RFP. The District will accept only Proposals from prequalified PPCs for consideration.

Prospective Design-Build-Finance-Operate (DBFO) Entity: This refers to the team of prospective engineers, architects, subconsultants, subcontractors, and other entities that may perform design, build, financing, and operating services for the Project. The Prospective DBFO Entity includes the PPC and all entities proposed by the PPC. This definition is consistent with “private entity” as defined under California Government Code § 5956.3.

Prospective Project Company (PPC): The lead business entity that executes and submits a Qualification Statement in response to this Request for Qualifications. The successful PPC will become the Contractor. (See RFQ Sections 9.1 and 10.1.1.)

Quality Assurance (QA): A program, plan, and process that demonstrates that competent people using satisfactory materials and parts under controlled conditions and processes correctly perform all activities affecting quality. Activities include, but are not limited to: design, purchasing, fabricating, erecting, installing, cleaning, inspecting, testing, handling, storing, and shipping.

Qualification Statement: A response to this RFQ submitted to the District by a PPC.

Reference Documents: District and other agency documents what are not a part of the DBFO Contract, but which provide supplemental information regarding the DBFO Contract.

Reference Drawings: Drawings from related District and other agencies' contracts provided to the Contractor, which are not part of the DBFO Contract, but that provide supplementary information regarding the DBFO Contract for reference and information only.

Replacement Subsystem: A major subsystem that is being integrated within the AGT Operating System Technology for the first time.

Revenue Operations: The District's operations in which paying passengers ride the trains in scheduled public service.

RFP: Request for Proposal.

RFQ: Request for Qualifications.

ROD: Record of Decision.

ROW: Right of Way

Scope of Services: Work to be performed by the Contractor.

Short List: A list of DBFO Entities selected by the District to be the most qualified to undertake the OAC Project.

Specifications: The Contract Specifications and the Standard Specifications.

Subcontract: Any contract between the Contractor and a Subcontractor, or between Subcontractors of any tier, to perform a portion of the work, provide labor, or to render service on or about the work.

Subcontractor: Any person or persons, materialmen, firm, partnership, joint venture, vendor, corporation, or combination thereof, or other entity which contracts with Contractor or any Subcontractor to perform work, provide labor, or to render service on or about the Work. (This term is used interchangeably with "Subconsultant.")

Submittal: A written or graphic document or sample prepared by or for the Contractor, which is required, by either the RFQ or Contract to be submitted to the District by the Contractor.

Supplementary Conditions: A part of the Contract terms and conditions located in the Contract. Such Supplementary Conditions modify and augment the General Conditions.

Supplier: A manufacturer, fabricator, distributor, or vendor having a contract with Contractor or with any Subcontractor to furnish materials or equipment to be incorporated in the Work by Contractor or any Subcontractor.

System: All of the components of the OAC operating together as a whole to provide public transportation.

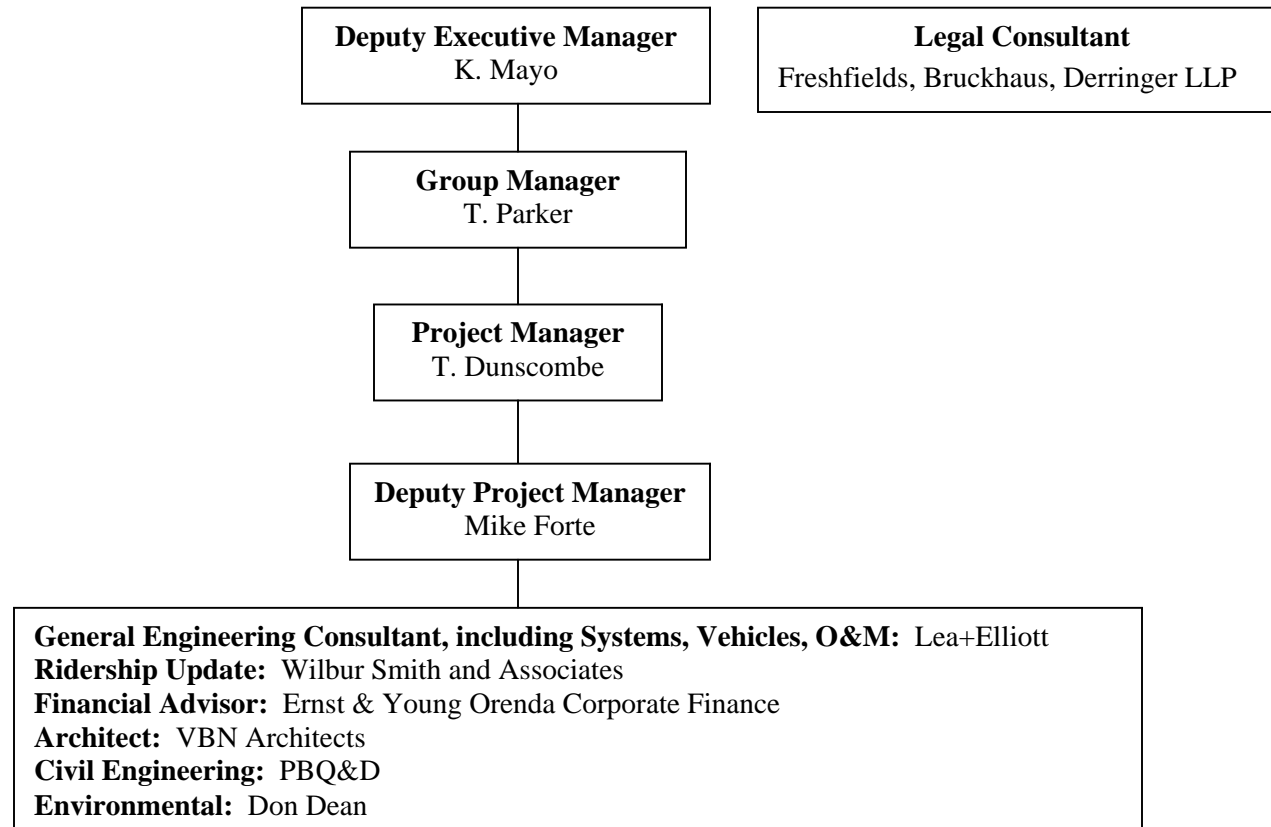
Technology Revision: Technology Revision means a changed design for a Major Subsystem. The change may be evolutionary, as evidenced by incremental changes to a previous design and/or a previous generation of the Major Subsystem, or a new Major Subsystem to be used as a replacement for a Replacement Subsystem in a first-time implementation as part of the OAC Project.

Venture: See Joint Venture.

Venture participant: One of the firms participating in a Joint Venture.

Weaknesses: A flaw in the Qualification Statement that increases the risk of unsuccessful contract performance.

Work: All performance required under the Contract as specified, shown, or indicated in the Contract, including all alterations, amendments or extensions thereto made by Change Orders.



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